

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MASSACHUSETTS

4 -----x  
5 JOSEPH MANTHA on behalf of  
6 themselves and others similarly  
7 situated,

8 Plaintiff,

9 v. Case no. 1:19-cv-12235  
10 QUOTEWIZARD.COM, LLC,  
11 Defendant.

12 -----x

13 12:30 p.m.

14 July 28, 2020

15 VIDEOTAPED VIRTUAL DEPOSITION of LEAD  
16 INTELLIGENCE INC., by and through MICHAEL FISHMAN,  
17 a non-Party in the above entitled matter, pursuant  
18 to Subpoena, before Stephen J. Moore, a Registered  
19 Professional Reporter, Certified Realtime Reporter  
20 and Notary Public of the State of New York.  
21  
22  
23  
24  
25

<p style="text-align: right;">Page 2</p> <p>1 MICHAEL FISHMAN</p> <p>2 A P P E A R A N C E S:</p> <p>3 BRODERICK LAW PC</p> <p>4 Attorneys for Plaintiffs</p> <p>5 208 Ridge Street</p> <p>6 Winchester, MA 01890</p> <p>7</p> <p>8 BY: EDWARD A. BRODERICK, ESQ.</p> <p>9 NELSON MULLINS RILEY &amp; SCARBOROUGH</p> <p>10 Attorneys for Defendant</p> <p>11 One Post Office Square</p> <p>12 Boston, MA 02109</p> <p>13</p> <p>14 BY: KEVIN POLANSKY, ESQ.</p> <p>15 KLEIN MOYNIHAN TURCO LLP</p> <p>16 Attorneys for RevPoint Media, LLC.</p> <p>17 450 Seventh Avenue</p> <p>18 New York, NY 10123</p> <p>19</p> <p>20 BY: EVAN KING, ESQ.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 MICHAEL FISHMAN</p> <p>2 THE VIDEOGRAPHER: We are on the</p> <p>3 record, the time is approximately 12:33</p> <p>4 p.m. on Tuesday July 28, 2020.</p> <p>5 Please note the microphones are</p> <p>6 sensitive and will pick up whispering and</p> <p>7 private conversations and cell</p> <p>8 interference.</p> <p>9 Please turn off all cell phones or</p> <p>10 place them away from your computer as they</p> <p>11 will interfere with the audio.</p> <p>12 Audio and video recording will</p> <p>13 continue to take place unless all parties</p> <p>14 agree to go off the record.</p> <p>15 This is media unit 1 of the video</p> <p>16 recorded deposition of Michael Fishman</p> <p>17 taken by the counsel for the Plaintiff in</p> <p>18 the matter of Joseph Mantha on behalf of</p> <p>19 themselves and all others simply situated</p> <p>20 versus Quotewizard.com LLC.</p> <p>21 The case is filed in the U.S.</p> <p>22 District Court for the District of</p> <p>23 Massachusetts, case number 1:19-CV-12235.</p> <p>24 The deposition is being held via</p> <p>25 teleconference.</p>
<p style="text-align: right;">Page 3</p> <p>1 MICHAEL FISHMAN</p> <p>2 EXAMINATION BY PAGE</p> <p>3 MR. BRODERICK 6 6</p> <p>4 MR. POLANSKY 55 8</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7</p> <p>8 EXBT 19 RevPoint subpoena response 43 15</p> <p>9 combined</p> <p>10 EXBT 20 Letter 49 16</p> <p>11 EXBT 21 PDF Quotewizard_mantha 49 16</p> <p>12 EXBT 22 Subpoena response 51 13</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 MICHAEL FISHMAN</p> <p>2 I am Ken Williamson for the firm</p> <p>3 Veritext New England, I am the</p> <p>4 videographer.</p> <p>5 Our court reporter, is Stephen</p> <p>6 Moore for the firm Veritext New York.</p> <p>7 Please note I am not authorized to</p> <p>8 administer an oath, I am not related to</p> <p>9 any party in this action, nor am I</p> <p>10 financially interested in the outcome.</p> <p>11 Counsel, please identify yourselves</p> <p>12 for the record and please start with the</p> <p>13 noticing attorney.</p> <p>14 MR. BRODERICK: Good morning, Mr.</p> <p>15 Fishman, I am Edward Broderick, I</p> <p>16 represent the Plaintiff, Joseph Mantha.</p> <p>17 MR. POLANSKY: Good afternoon Mr.</p> <p>18 Fishman, I am Kevin Polansky and I</p> <p>19 represent Quotewizard.</p> <p>20 MR. KING: Evan King, counsel for</p> <p>21 RevPoint and counsel for the witness.</p> <p>22 MR. LANDAU: Please swear in our</p> <p>23 witness.</p> <p>24</p> <p>25 M I C H A E L F I S H M A N , called as</p>

Page 6

1           MICHAEL FISHMAN  
2       a witness, having been first duly sworn by  
3       the Notary Public, was examined and  
4       testified as follows:  
5  
6 EXAMINATION BY  
7 MR. BRODERICK:  
8  
9       Q    Mr. Fishman, can you state  
10   your -- actually, first let me give you some  
11   ground rules.  
12           Have you ever been deposed  
13   before, Mr. Fishman?  
14       A    I have not.  
15       Q    So, just to keep a clear record,  
16   and particularly since we are over Zoom, I am  
17   going to ask that you let me finish my question  
18   entirely, and I will try to do the same and not  
19   jump into the middle of your answer because it  
20   drives the -- it will drive Mr. Moore crazy  
21   trying to take down the record.  
22           Even though he is in that harbor  
23   that we can see him sitting in, it gets  
24   aggravating.  
25       A    Fair enough.

Page 7

1           MICHAEL FISHMAN  
2       Q    And can you give me -- state  
3   your full name for the record?  
4       A    My full name, Michael Alex  
5   Fishman.  
6       Q    And how long have you worked for  
7   RevPoint?  
8       A    Approximately eight years.  
9       Q    What's your job title there?  
10       A    CEO.  
11       Q    What did you do before you  
12   started at RevPoint?  
13       A    I've been in digital marketing  
14   ultimately my entire career.  
15       Q    And did you found RevPoint, are  
16   you the owner as well?  
17       A    I am.  
18       Q    Do you have partners in the  
19   business?  
20       A    Not active.  
21       Q    What does RevPoint do?  
22       A    RevPoint Media is a software and  
23   lead acquisition and distribution marketplace.  
24       Q    In layman's terms for the  
25   non-digital marketer, what does that mean?

Page 8

1           MICHAEL FISHMAN  
2       A    So, we help facilitate leads  
3   that are captured from entities and help  
4   distribute them to end service providers.  
5       Q    What is the relationship, if  
6   any, between RevPoint and Quotewizard.com?  
7       A    We were a provider of leads to  
8   Quotewizard.  
9       Q    You say in the past tense, are  
10   you no longer a provider of leads?  
11       A    We have not provided them with  
12   leads in -- I'm not exactly sure, but in many  
13   months.  
14       Q    Did you have a contract with  
15   Quotewizard?  
16       A    Yes, we did.  
17       Q    And why did the relationship  
18   end?  
19           MR. POLANSKY: Objection.  
20           MR. KING: I object as to form,  
21   unless -- when you hear the word  
22   objection, unless I instruct you not to  
23   answer, you can still answer.  
24           THE WITNESS: Okay, so I can  
25   answer, or no?

Page 9

1           MICHAEL FISHMAN  
2           MR. KING: Yes, you can answer.  
3       I'm sorry.  
4       A    I actually don't know exactly  
5   why the relationship ended.  
6       Q    Was it because of this lawsuit,  
7   do you know?  
8           MR. KING: Objection as to form.  
9           MR. POLANSKY: Objection.  
10       A    That is not my recollection.  
11       Q    Is it fair to say that RevPoint,  
12   when you were working with Quotewizard you  
13   would provide them with potential leads for  
14   telemarketing purposes?  
15       A    I don't know what the leads --  
16   what the purpose of the leads were for  
17   Quotewizard.  
18           So I don't know that they were  
19   used for telemarketing purposes.  
20       Q    Okay.  
21           But you just sold them leads.  
22           Does RevPoint do anything to  
23   ensure that leads that it's providing -- did  
24   you do anything to ensure that leads you were  
25   providing to Quotewizard had -- that the people

<p style="text-align: right;">Page 10</p> <p>1 MICHAEL FISHMAN</p> <p>2 whose information was being sold had consented</p> <p>3 to receive calls or texts under the TCPA?</p> <p>4 A Our technology verifies that</p> <p>5 certain criteria is met from the sources, that</p> <p>6 there is a consent text that is provided along</p> <p>7 with the lead, and we also in certain</p> <p>8 circumstances will verify that a -- that a lead</p> <p>9 ID is passed with or a trusted form certificate</p> <p>10 is passed with the lead.</p> <p>11 Q When you say a lead ID, is that</p> <p>12 a Jornaya lead ID?</p> <p>13 A Yes, correct, a Jornaya lead ID.</p> <p>14 Q And trusted form is a different?</p> <p>15 A Is a different service.</p> <p>16 Q I'm just going to show you, do</p> <p>17 you have your Exhibit Share set up?</p> <p>18 A I do.</p> <p>19 Q This is one of the nice things</p> <p>20 of working with somebody who is in technology,</p> <p>21 it's a lot easier.</p> <p>22 Q Are you designated to testify</p> <p>23 today on behalf of RevPoint Media LLC?</p> <p>24 A I am.</p> <p>25 Q And are you the person most</p>	<p style="text-align: right;">Page 12</p> <p>1 MICHAEL FISHMAN</p> <p>2 with this case.</p> <p>3 MR. BRODERICK: Well, I think</p> <p>4 it's within the topic.</p> <p>5 Unless you are going to instruct</p> <p>6 not to answer I will let the question</p> <p>7 stand.</p> <p>8 MR. POLANSKY: I will object.</p> <p>9 MR. KING: I will object as well,</p> <p>10 but I won't instruct.</p> <p>11 You can answer.</p> <p>12 A I don't even have that in front</p> <p>13 of me; so I don't know.</p> <p>14 Q Do you know what's generally the</p> <p>15 cost? I mean you are not getting \$100 per</p> <p>16 lead, I take it?</p> <p>17 A I am not getting \$100 per lead.</p> <p>18 I would say it's drastically</p> <p>19 lower than that, but I don't know because the</p> <p>20 pricing per lead is dynamic.</p> <p>21 Q Is that set through an API</p> <p>22 system?</p> <p>23 A Yes; through what's called a</p> <p>24 ping/post.</p> <p>25 Q What are the factors on which</p>
<p style="text-align: right;">Page 11</p> <p>1 MICHAEL FISHMAN</p> <p>2 knowledgeable about the lead that was sold to</p> <p>3 Quotewizard?</p> <p>4 A Yes.</p> <p>5 Q How much does RevPoint get paid</p> <p>6 for a -- how much did you get paid for the lead</p> <p>7 related to Joseph Mantha?</p> <p>8 MR. POLANSKY: Objection. Before</p> <p>9 you answer, I mean is that part of the</p> <p>10 notices? The notice that was</p> <p>11 identified?</p> <p>12 I don't see it on the topics of</p> <p>13 examination.</p> <p>14 MR. KING: Yes, I object as well.</p> <p>15 MR. BRODERICK: I will just take</p> <p>16 a look here, I've got it open.</p> <p>17 Any purchase or sale of Mr.</p> <p>18 Mantha's purported consent lead by</p> <p>19 RevPoint Media LLC.</p> <p>20 MR. POLANSKY: Sure, and I</p> <p>21 understand that to mean whether it was</p> <p>22 purchased or sold by RevPoint, but not</p> <p>23 for value.</p> <p>24 I mean I don't see what the price</p> <p>25 of purchasing a lead has anything to do</p>	<p style="text-align: right;">Page 13</p> <p>1 MICHAEL FISHMAN</p> <p>2 your pricing depends?</p> <p>3 A I'm not sure I understand the</p> <p>4 question.</p> <p>5 Q Well, you say the pricing is</p> <p>6 dynamic. I assume that there is -- what is the</p> <p>7 dynamic in the pricing, I guess is what I'm</p> <p>8 asking?</p> <p>9 A Well, that price is determined</p> <p>10 by Quotewizard, I don't have any understanding</p> <p>11 of how they are determining pricing.</p> <p>12 Q Do you have a set minimum that</p> <p>13 you are willing to sell a lead for?</p> <p>14 A Sometimes; it depends.</p> <p>15 I don't know if there was one</p> <p>16 set in this case, I have no -- that's not a</p> <p>17 standard practice.</p> <p>18 Q Can you give me a ballpark of</p> <p>19 what the -- when you ping and post, are you</p> <p>20 pinging and posting only to one potential</p> <p>21 buyer, or is that posted to many and anyone can</p> <p>22 bid on it, on the API?</p> <p>23 A The ping is sent to multiple</p> <p>24 buyers, that does not include any PII</p> <p>25 information.</p>



<p style="text-align: right;">Page 14</p> <p>1 MICHAEL FISHMAN</p> <p>2 The post is only sent to one</p> <p>3 buyer.</p> <p>4 Q And that is the buyer who</p> <p>5 responds with an offer to buy the lead?</p> <p>6 A No. The offer to buy -- there</p> <p>7 is a bid on a ping, so information is sent,</p> <p>8 there is a bid.</p> <p>9 If the bid is accepted, then the</p> <p>10 lead is sent in the post and that is the</p> <p>11 agreement to purchase that lead.</p> <p>12 And possibly, by the way,</p> <p>13 because the post then could be rejected as</p> <p>14 well.</p> <p>15 Q Right.</p> <p>16 And just give me a ballpark, are</p> <p>17 we talking 10 cents a lead or \$1 a lead for the</p> <p>18 Mantha lead?</p> <p>19 MR. POLANSKY: Objection.</p> <p>20 MR. KING: Objection, I think</p> <p>21 that's kind of explained as best he</p> <p>22 could, but you can answer.</p> <p>23 A I don't know, I wouldn't want to</p> <p>24 speculate on the price.</p> <p>25 Q I'm not going to hold you to a</p>	<p style="text-align: right;">Page 16</p> <p>1 MICHAEL FISHMAN</p> <p>2 A Yes, that's fair to say.</p> <p>3 Q And do you have any</p> <p>4 understanding of whether Plural was directly</p> <p>5 involved with that website?</p> <p>6 A I have no understanding of that.</p> <p>7 Q Okay.</p> <p>8 Who did you -- with whom, if</p> <p>9 anyone, did you work at Plural for employees?</p> <p>10 A The only contact that we have</p> <p>11 over there is George Rios.</p> <p>12 Q Do you know how to spell that</p> <p>13 last name?</p> <p>14 A I don't.</p> <p>15 I would be speculating on the</p> <p>16 spelling of his name.</p> <p>17 Q Can you say it again?</p> <p>18 A Rios, if you want just R-i-o-s;</p> <p>19 maybe.</p> <p>20 Q Okay, sure. I couldn't quite</p> <p>21 hear you.</p> <p>22 What is your understanding of</p> <p>23 what Plural provided to RevPoint?</p> <p>24 MR. POLANSKY: Objection; when?</p> <p>25 Q What did they provide -- when</p>
<p style="text-align: right;">Page 15</p> <p>1 MICHAEL FISHMAN</p> <p>2 price, I'm just trying to get a universe.</p> <p>3 A I mean it could be -- I would</p> <p>4 say that 10 cents is probably not realistic and</p> <p>5 I would say that \$30 is not realistic.</p> <p>6 But that's a very wide range of</p> <p>7 potential for pricing.</p> <p>8 Q Got it.</p> <p>9 What is the relationship between</p> <p>10 RevPoint and Plural Marketing Solutions, if</p> <p>11 any?</p> <p>12 A Plural was a lead provider into</p> <p>13 the RevPoint lead marketplace.</p> <p>14 Q How long did RevPoint work with</p> <p>15 Plural?</p> <p>16 A I think somewhere around ten</p> <p>17 months.</p> <p>18 Q And when did you stop working</p> <p>19 with Plural?</p> <p>20 A Soon after we learned of this</p> <p>21 complaint.</p> <p>22 Q So, is it fair to say that</p> <p>23 RevPoint was not involved -- had no connection</p> <p>24 to the website that -- on which this lead for</p> <p>25 Mr. Mantha was purportedly created?</p>	<p style="text-align: right;">Page 17</p> <p>1 MICHAEL FISHMAN</p> <p>2 they provided you with a lead, what would you</p> <p>3 get?</p> <p>4 MR. POLANSKY: Are you asking in</p> <p>5 general, or in this case?</p> <p>6 I can't hear you, Ted.</p> <p>7 Q Sorry.</p> <p>8 For the Mantha lead, what was</p> <p>9 provided to RevPoint by Plural, if anything?</p> <p>10 A Do you mean at the point of the</p> <p>11 initial lead, or in general?</p> <p>12 Q At the point of the initial</p> <p>13 lead, then we will get to other points.</p> <p>14 A I mean this was a ping/post</p> <p>15 relationship, so they would have pinged the</p> <p>16 RevPoint marketplace with information without</p> <p>17 any PII and then they would have received a bid</p> <p>18 and then they would have posted that lead into</p> <p>19 RevPoint's marketplace.</p> <p>20 Q Okay. When you say PII, that's</p> <p>21 personal identifying information?</p> <p>22 A Correct.</p> <p>23 Q So would you get a -- when your</p> <p>24 system was pinged by Plural with the Mantha</p> <p>25 lead, what data does your API system see?</p>

Page 18

1 MICHAEL FISHMAN  
2 A I don't know specifically,  
3 because every API integration might be a little  
4 different.  
5 So if we are talking  
6 specifically auto insurance, it might be make  
7 and model of a vehicle, it might be a zip code.  
8 These are -- I can only  
9 speculate on this particular API integration on  
10 what's being provided.  
11 But those are some examples of,  
12 you know, data that would be provided within a  
13 ping.  
14 Q Got it, got it.  
15 And what is the PII that is not  
16 provided when you get this?  
17 A No, no.  
18 Q I was actually asking what is  
19 the -- what is PII in that context?  
20 A So, PII would include name,  
21 address, e-mail, phone number.  
22 Q Is the IP address from which the  
23 lead was created PII?  
24 A I don't know that we define that  
25 as PII.

Page 19

1 MICHAEL FISHMAN  
2 I am not sure if that is  
3 provided on the ping or the post.  
4 I don't know that I've ever  
5 classified that as PII in conversation.  
6 But that's -- but I would have  
7 to look up whether we are receiving IP on the  
8 ping and the post.  
9 Q Also on the ping or the post is  
10 the URL of the website on which the lead was  
11 purportedly collected, is that provided on the  
12 ping?  
13 A That depends on the integration.  
14 I don't know what the case was  
15 specific for this. Website URLs are not  
16 standardized, and masking of them is.  
17 So, I -- in order to try and  
18 avoid circumvention.  
19 So I'm not sure what the  
20 specifics of this lead were on whether --  
21 sometimes it's not provided at all and  
22 sometimes it is.  
23 Q Okay.  
24 And then after your marketplace  
25 purchases the lead, purchased the lead from

Page 20

1 MICHAEL FISHMAN  
2 Mantha from Plural, then what happens?  
3 A Well, the marketplace for Jangl  
4 only purchases a lead if it has an opportunity  
5 to distribute it, to sell it.  
6 So, that transaction takes in  
7 Jangl's marketplace, RevPoint Media's  
8 marketplace, only takes upwards of 30 seconds.  
9 So that lead would have been  
10 acquired and then sent to Quotewizard.  
11 Q You said Jangl is that  
12 J-a-n-g-l?  
13 A Yes.  
14 Q What is that?  
15 A That is the name of our  
16 technology that allows ping/post.  
17 Q Is that technology, or is that  
18 software?  
19 A Yes.  
20 Q And did you develop that  
21 software yourself?  
22 A Yes.  
23 Well, I did not personally  
24 develop that software myself, but RevPoint  
25 Media did.

Page 21

1 MICHAEL FISHMAN  
2 Q Do you have computer programmers  
3 that work for you?  
4 A Yes.  
5 Q Do you know who Adam Brown is?  
6 A I do not.  
7 Q Have you ever dealt with a  
8 company called Request Path Media?  
9 A Not to my knowledge, no.  
10 Q How about Blue Flame marketing?  
11 A Not to my knowledge, no.  
12 Q Anything that sounds like that?  
13 A I mean there are a lot of  
14 companies that have the word blue in them, I  
15 don't know Blue Sky, I can't -- I mean anything  
16 with blue in it might ring a bell.  
17 It's certainly something we can  
18 look up, but I don't have any knowledge of  
19 those companies.  
20 Q Okay.  
21 How about Justin Cohen?  
22 A Doesn't ring a bell.  
23 Q Does RevPoint buy or are you  
24 aware of buying leads that were generated on a  
25 website called SnappyAutoInsurance.com?

<p style="text-align: right;">Page 22</p> <p>1 MICHAEL FISHMAN</p> <p>2 A Not until after this complaint.</p> <p>3 Q But before this complaint that</p> <p>4 was not a website you were familiar with?</p> <p>5 A No.</p> <p>6 Q How about unitedquotes.com?</p> <p>7 A Yes, I was familiar with that</p> <p>8 site.</p> <p>9 Q And do you know what company</p> <p>10 owns that domain, unitedquotes.com?</p> <p>11 A I don't.</p> <p>12 Q How were you familiar with</p> <p>13 unitedquotes.com?</p> <p>14 A The site was provided for us to</p> <p>15 vet -- at some point it was provided to us as a</p> <p>16 lead generation website.</p> <p>17 That's about all the knowledge I</p> <p>18 have of that particular website.</p> <p>19 I don't remember much more than</p> <p>20 that, other than I remember that website being</p> <p>21 provided as something for us to look at as a</p> <p>22 lead generation website.</p> <p>23 Q Do you know when that was that</p> <p>24 you vetted the unitedquotes.com website?</p> <p>25 A I couldn't recall. More than a</p>	<p style="text-align: right;">Page 24</p> <p>1 MICHAEL FISHMAN</p> <p>2 are you familiar with a company named Seal Dog</p> <p>3 Media?</p> <p>4 A I am not.</p> <p>5 Q Have you had any conversations</p> <p>6 with anyone at Plural about this lawsuit?</p> <p>7 A No, other than notifying them of</p> <p>8 the Complaint after it occurred.</p> <p>9 Q Who provided that Complaint to</p> <p>10 you?</p> <p>11 A Someone at Quotewizard.</p> <p>12 Q Who was that?</p> <p>13 A I think Matthew, I am trying to</p> <p>14 remember his last name, Weiss.</p> <p>15 Q Matthew Weeks?</p> <p>16 A Yes; correct.</p> <p>17 Q Did he provide that to you in an</p> <p>18 e-mail?</p> <p>19 A Most likely, yes.</p> <p>20 Q Did RevPoint send any</p> <p>21 information back via e-mail?</p> <p>22 A Yes.</p> <p>23 Q What did you send to Mr. Weeks?</p> <p>24 A We sent them what was provided</p> <p>25 to us from Plural.</p>
<p style="text-align: right;">Page 23</p> <p>1 MICHAEL FISHMAN</p> <p>2 year ago, or possibly within a year.</p> <p>3 A long time ago, it hasn't --</p> <p>4 not recently.</p> <p>5 Q Was it in connection with this</p> <p>6 lawsuit?</p> <p>7 A No.</p> <p>8 Q What did you do or what do you</p> <p>9 do to vet a website, as you said?</p> <p>10 A In most cases we actually</p> <p>11 provide that to the lead purchaser to allow</p> <p>12 them to take a look at that website.</p> <p>13 Q Right, but do you just get a</p> <p>14 link to the website, or is there something more</p> <p>15 to vet?</p> <p>16 A No, it's mainly just a link.</p> <p>17 Q Do you check TCPA disclosure</p> <p>18 language on those websites?</p> <p>19 A We will -- it's not standard</p> <p>20 practice for us to do that, but we will take a</p> <p>21 look.</p> <p>22 But no, mainly we would be, if</p> <p>23 that was requested, then we would provide that</p> <p>24 link.</p> <p>25 Q Okay, is the company called --</p>	<p style="text-align: right;">Page 25</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q And what was that that was</p> <p>3 provided to Plural?</p> <p>4 A I don't have that information in</p> <p>5 front of me, but from my recollection it was a</p> <p>6 URL, time stamp, IP address, and possibly</p> <p>7 technique of acquisition of the lead and</p> <p>8 consent verification.</p> <p>9 Q What do you mean by technique of</p> <p>10 acquisition of the lead?</p> <p>11 A Whether the lead was generated</p> <p>12 through e-mail or search or display, but I</p> <p>13 don't remember specifically whether that was</p> <p>14 provided.</p> <p>15 Q If you had that e-mail that you</p> <p>16 transmitted that information with, would that</p> <p>17 refresh your memory as to what it was?</p> <p>18 A If I had that e-mail that we</p> <p>19 sent to Quotewizard?</p> <p>20 Q Yes.</p> <p>21 A Yes, sure.</p> <p>22 MR. KING: I think he's about to</p> <p>23 show it.</p> <p>24 THE WITNESS: Yeah, I got it.</p> <p>25 Q Actually I am going to show</p>

<p style="text-align: right;">Page 26</p> <p>1 MICHAEL FISHMAN</p> <p>2 you -- first go to the marked exhibits folder.</p> <p>3 A Okay.</p> <p>4 Q I will ask you to look at what's</p> <p>5 already been marked as Exhibit 2?</p> <p>6 A Wait, hold on, that folder just</p> <p>7 now says folder not found.</p> <p>8 MR. KING: That happened to me as</p> <p>9 well when I just -- now it's back.</p> <p>10 Q You might have to refresh.</p> <p>11 A Okay. Okay.</p> <p>12 MR. KING: Sorry, guys, mine is</p> <p>13 loading.</p> <p>14 MR. BRODERICK: No worries.</p> <p>15 MR. POLANSKY: What folder are we</p> <p>16 looking at? Mine is just gone now.</p> <p>17 MR. KING: All I see is</p> <p>18 deposition of George Rios.</p> <p>19 THE WITNESS: Click on that</p> <p>20 again.</p> <p>21 MR. KING: Then marked exhibits.</p> <p>22 MR. BRODERICK: Mr. Fishman is</p> <p>23 going to talk us through this.</p> <p>24 THE WITNESS: Yeah, if you hit</p> <p>25 refresh then you click on the deposition</p>	<p style="text-align: right;">Page 28</p> <p>1 MICHAEL FISHMAN</p> <p>2 him the e-mail to refresh his</p> <p>3 recollection?</p> <p>4 MR. BRODERICK: I don't think I</p> <p>5 have the e-mail.</p> <p>6 A I don't remember what was in the</p> <p>7 e-mail that I sent to him, it's certainly</p> <p>8 possible.</p> <p>9 Q I am going to show you your</p> <p>10 subpoena response, and maybe I have just missed</p> <p>11 it.</p> <p>12 Now I have put a document it's</p> <p>13 supposed to say Plural response to Mantha</p> <p>14 subpoena; can you open that?</p> <p>15 A Plural --</p> <p>16 MR. KING: Plural, not RevPoint?</p> <p>17 MR. BRODERICK: No, grabbed the</p> <p>18 wrong one again.</p> <p>19 Q Okay, the RevPoint subpoena</p> <p>20 response. Do you see that?</p> <p>21 A Hold on, RevPoint subpoena</p> <p>22 response combined, is that what I am looking</p> <p>23 at?</p> <p>24 Q Yes.</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 27</p> <p>1 MICHAEL FISHMAN</p> <p>2 folder again, it will launch the folder</p> <p>3 again and then the file should be inside</p> <p>4 it.</p> <p>5 MR. KING: I am looking for what,</p> <p>6 Ted?</p> <p>7 MR. BRODERICK: Exhibit 2.</p> <p>8 THE WITNESS: That I don't see.</p> <p>9 MR. KING: I see four things</p> <p>10 under deposition of George Rios.</p> <p>11 MR. BRODERICK: I am in the wrong</p> <p>12 folder myself.</p> <p>13 Look at Exhibit 17, sorry.</p> <p>14 A Okay.</p> <p>15 Q Have you seen this document</p> <p>16 before?</p> <p>17 A I don't recall seeing this</p> <p>18 document before, no, but it's possible.</p> <p>19 Q Okay, I can represent to you</p> <p>20 that this was a document produced in discovery</p> <p>21 by Quotewizard and in your e-mail to Matthew</p> <p>22 Weeks of Quotewizard, is that</p> <p>23 SnappyAutoInsurance.com website, is that a URL</p> <p>24 that you provided to him?</p> <p>25 MR. KING: Are you going to show</p>	<p style="text-align: right;">Page 29</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Do you recognize that document?</p> <p>3 A Yes.</p> <p>4 Q And were you served with a</p> <p>5 subpoena to produce the records requested</p> <p>6 there?</p> <p>7 A Yes, they were.</p> <p>8 Q I will ask you to scroll down to</p> <p>9 the very last page.</p> <p>10 A Okay.</p> <p>11 Q Is the data that was provided</p> <p>12 there, where did you collect that from?</p> <p>13 A So, the data here was collected</p> <p>14 from our database.</p> <p>15 Q Did you have to run a query to</p> <p>16 get that?</p> <p>17 A Yes.</p> <p>18 Q And what kind of database is</p> <p>19 that?</p> <p>20 Is it SQL?</p> <p>21 A I believe so, yes.</p> <p>22 But I'm not 100 percent sure of</p> <p>23 that, so I would have to get back to you. I</p> <p>24 don't know for sure that it is SQL.</p> <p>25 Q Okay, and did you do the search</p>

<p style="text-align: right;">Page 30</p> <p>1 MICHAEL FISHMAN</p> <p>2 yourself, or somebody in your team?</p> <p>3 A Someone in my organization did.</p> <p>4 Q Is it fair to say that all of</p> <p>5 the data on this sheet was provided to you by</p> <p>6 Plural Marketing Solutions?</p> <p>7 A Yes.</p> <p>8 Q So you have no independent way</p> <p>9 to confirm whether any of this is accurate</p> <p>10 information, correct?</p> <p>11 A No.</p> <p>12 Q And you have no way to know</p> <p>13 whether Joe Mantha visited any website and</p> <p>14 input this information, correct?</p> <p>15 A No way to confirm.</p> <p>16 Q And when you provide a lead --</p> <p>17 when you provided this lead to Quotewizard,</p> <p>18 does RevPoint make any guarantee to Quotewizard</p> <p>19 that the person listed on the lead has</p> <p>20 consented to receive text messages?</p> <p>21 MR. POLANSKY: Objection.</p> <p>22 Q Sorry, could you hear me?</p> <p>23 THE WITNESS: I'm sorry. So,</p> <p>24 Evan, I heard an objection.</p> <p>25 MR. KING: Sorry, yes, yes, you</p>	<p style="text-align: right;">Page 32</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Right, but you don't indemnify</p> <p>3 Quotewizard for any claims that sending a text</p> <p>4 message based on that lead would be a</p> <p>5 violation?</p> <p>6 MR. POLANSKY: Objection.</p> <p>7 MR. KING: Yes, I will object.</p> <p>8 That's the kind of thing that he and I</p> <p>9 talked about.</p> <p>10 I mean we can talk about generally</p> <p>11 or if he's familiar with the relationship</p> <p>12 that they had with Quotewizard, but in</p> <p>13 terms of this specific lead?</p> <p>14 MR. POLANSKY: Yeah, I don't</p> <p>15 see -- there is nothing in the topics of</p> <p>16 examination that identify the contract</p> <p>17 between the parties and the</p> <p>18 indemnification agreement between them.</p> <p>19 So I am going to object.</p> <p>20 MR. BRODERICK: It all goes to</p> <p>21 the purchase or sale.</p> <p>22 MR. POLANSKY: The indemnity goes</p> <p>23 to the purchase and sale? Where?</p> <p>24 How do you get there?</p> <p>25 MR. BRODERICK: It's part of the</p>
<p style="text-align: right;">Page 31</p> <p>1 MICHAEL FISHMAN</p> <p>2 can answer.</p> <p>3 A I'm sorry, can you just repeat</p> <p>4 the question?</p> <p>5 Q Sure. When you provided the Joe</p> <p>6 Mantha lead with the data that we are looking</p> <p>7 at here to Quotewizard, does RevPoint make any</p> <p>8 guarantee that the person, that Mr. Mantha had</p> <p>9 consented to receive -- provided TCPA consent</p> <p>10 to receive calls or text messages?</p> <p>11 MR. POLANSKY: Objection.</p> <p>12 A Yeah, I don't know how we would</p> <p>13 make an individual guarantee, other than</p> <p>14 supplying the data to Quotewizard that is</p> <p>15 supplied to RevPoint Media.</p> <p>16 Q Right, but in essence you are</p> <p>17 just selling them data, you are not making a</p> <p>18 guarantee that this person has given TCPA</p> <p>19 compliance consent in order to receive text</p> <p>20 messages?</p> <p>21 MR. POLANSKY: Objection.</p> <p>22 A Well, it's our understanding</p> <p>23 that this lead had TCPA consent and text with</p> <p>24 it, so that -- the way we look at it, is that</p> <p>25 would be the guarantee.</p>	<p style="text-align: right;">Page 33</p> <p>1 MICHAEL FISHMAN</p> <p>2 sale.</p> <p>3 Again, if you want to instruct him</p> <p>4 not to answer, that's okay, but it's not a</p> <p>5 huge point.</p> <p>6 But I am trying to get at what he</p> <p>7 represents to -- in selling them this</p> <p>8 data, if it's a promise or a guarantee</p> <p>9 that's enforceable that you can call based</p> <p>10 on this.</p> <p>11 MR. POLANSKY: Sure, I will just</p> <p>12 state my objection for the record, which</p> <p>13 is the agreement between the parties</p> <p>14 speaks for itself.</p> <p>15 You can answer, if your attorney</p> <p>16 allows you to.</p> <p>17 MR. KING: You can answer to the</p> <p>18 extent you remember about this case</p> <p>19 specifically, and it doesn't touch on</p> <p>20 any discussions that you and I have had</p> <p>21 or that you have had with counsel.</p> <p>22 A I don't know whether or not</p> <p>23 there is any guarantee on this lead.</p> <p>24 I would have to get back to you</p> <p>25 on that.</p>

<p style="text-align: right;">Page 34</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Did Plural provide you with a</p> <p>3 guarantee that the lead came with valid TCPA</p> <p>4 consent?</p> <p>5 A I don't know how to answer that.</p> <p>6 Within the lead there is nothing</p> <p>7 other than the data that is created -- supplied</p> <p>8 that it is -- that there is consent there, I'm</p> <p>9 not sure about guaranteeing each lead.</p> <p>10 Q When you received -- when you --</p> <p>11 did you have any phone conversations with</p> <p>12 Matthew Weeks about Mr. Mantha's complaint?</p> <p>13 A Not to my knowledge.</p> <p>14 Q It was just e-mails?</p> <p>15 A Yes.</p> <p>16 Q Any text messages?</p> <p>17 A No, we don't have -- I never</p> <p>18 texted with him.</p> <p>19 Q I'm sorry, I apologize if I</p> <p>20 already asked, about when was that, if you</p> <p>21 remember?</p> <p>22 MR. POLANSKY: About when was</p> <p>23 what? Objection.</p> <p>24 Q The e-mail correspondence with</p> <p>25 Mr. Weeks.</p>	<p style="text-align: right;">Page 36</p> <p>1 MICHAEL FISHMAN</p> <p>2 A Okay.</p> <p>3 Q On that document, what</p> <p>4 information did RevPoint have at the point at</p> <p>5 which it sold the lead to Quotewizard?</p> <p>6 A I would have to do a comparison.</p> <p>7 I don't know, it would be my understanding that</p> <p>8 we would have received everything other than</p> <p>9 potentially the URL.</p> <p>10 Q Would your understanding be that</p> <p>11 you would have to go to Plural to get that?</p> <p>12 A Yes.</p> <p>13 Q Do you know anything about that</p> <p>14 lead date of 8/5/19?</p> <p>15 A I don't.</p> <p>16 Q There is an IP address there, I</p> <p>17 will ask you to write that down, it's 96.2 --</p> <p>18 A You are asking me to write that</p> <p>19 down?</p> <p>20 Q Yes, please. Sorry.</p> <p>21 A Sorry, I didn't have anything to</p> <p>22 write with in front of me.</p> <p>23 Okay, so this 96.242.132.28.</p> <p>24 A 132.28, okay.</p> <p>25 Q That's also associated with a</p>
<p style="text-align: right;">Page 35</p> <p>1 MICHAEL FISHMAN</p> <p>2 MR. POLANSKY: Thank you.</p> <p>3 A I would have to get back to</p> <p>4 you -- I would say September, October of what</p> <p>5 was that, last year.</p> <p>6 Q And then when you got that</p> <p>7 e-mail, did you then contact anyone at Plural?</p> <p>8 A Yes.</p> <p>9 Q And how did you do that?</p> <p>10 A I think that was done from</p> <p>11 someone at RevPoint Media who had -- who then,</p> <p>12 I'm not sure whether it was over e-mail or</p> <p>13 Skype, but what at that point was their method</p> <p>14 of communication with Plural.</p> <p>15 Q Okay, you don't know who the</p> <p>16 person was at Plural who your employee</p> <p>17 communicated with, do you?</p> <p>18 A I'm pretty sure it was George</p> <p>19 Rios.</p> <p>20 Q George Rios, okay, good.</p> <p>21 Did Plural say anything about</p> <p>22 the original source of this Mantha lead, in</p> <p>23 response to RevPoint's communication to Plural?</p> <p>24 A Not to my knowledge, no.</p> <p>25 Q Can you go back to Exhibit 17?</p>	<p style="text-align: right;">Page 37</p> <p>1 MICHAEL FISHMAN</p> <p>2 Jornaya lead ID which starts 8D3 and ends in</p> <p>3 BFF?</p> <p>4 A Okay.</p> <p>5 Q I just want to compare that to</p> <p>6 another document which is Exhibit 18, and I</p> <p>7 will represent to you this is a subpoena</p> <p>8 response from Jornaya about that?</p> <p>9 A Hold on, Exhibit 18, okay.</p> <p>10 Q You've got it?</p> <p>11 A Yes.</p> <p>12 Q And that's -- this is a subpoena</p> <p>13 response from Jornaya.</p> <p>14 How long -- well, does RevPoint</p> <p>15 have a contract with or an account with</p> <p>16 Jornaya?</p> <p>17 A Not to my knowledge. I don't</p> <p>18 know that an account was never created with</p> <p>19 Jornaya, but we do not have an account -- a</p> <p>20 contract or relationship like that.</p> <p>21 Q Does RevPoint generate its own</p> <p>22 leads that is for sale?</p> <p>23 MR. KING: Ted?</p> <p>24 MR. BRODERICK: Yes.</p> <p>25 MR. KING: Sorry, can you repeat</p>

<p style="text-align: right;">Page 38</p> <p>1 MICHAEL FISHMAN</p> <p>2 that, you kind of garbled up. I</p> <p>3 couldn't really hear that.</p> <p>4 Q Does RevPoint generate its own</p> <p>5 leads for sale to customers?</p> <p>6 A We do not.</p> <p>7 Q So you are purely a middleman of</p> <p>8 you take somebody else's lead and then sell it?</p> <p>9 A Correct.</p> <p>10 Q So, can RevPoint generate a</p> <p>11 Jornaya lead ID to associate it with one of the</p> <p>12 leads that it's selling?</p> <p>13 A No.</p> <p>14 Q If there is a Jornaya lead ID</p> <p>15 associated with your -- with a lead that you</p> <p>16 are selling, that would have come with it to</p> <p>17 you, right correct?</p> <p>18 A Correct.</p> <p>19 Q Would you look at the Jornaya</p> <p>20 subpoena response today, last page, and I can</p> <p>21 represent to you that the universal lead ID,</p> <p>22 also known as a Jornaya lead ID, is the same as</p> <p>23 on the Quotewizard opt in, but that IP address</p> <p>24 on the Quotewizard -- on this Jornaya subpoena</p> <p>25 response is not the same as on the Quotewizard</p>	<p style="text-align: right;">Page 40</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q What's your understanding of how</p> <p>3 a Jornaya lead ID works?</p> <p>4 A My opinion, understanding of how</p> <p>5 Jornaya lead IDs work?</p> <p>6 Q Yes.</p> <p>7 A So a Jornaya lead ID code is</p> <p>8 placed on a generation website that records or</p> <p>9 captures the user experience on that website,</p> <p>10 and then is in some way linked to a particular</p> <p>11 ID where that ID can then be utilized to</p> <p>12 recapture the user experience; or viewer</p> <p>13 recording of the user experience, is my</p> <p>14 understanding of Jornaya's lead IDs.</p> <p>15 Q Is it your understanding that an</p> <p>16 IP address on a lead and a Jornaya lead ID</p> <p>17 should match?</p> <p>18 A That is not my understanding.</p> <p>19 Q What is your understanding?</p> <p>20 A So an IP address delivered in an</p> <p>21 APA could come from different places, it could</p> <p>22 come from the IP address of the servers that</p> <p>23 the platform is utilizing, it could come from</p> <p>24 the website of where the lead was generated.</p> <p>25 There is opportunity there for</p>
<p style="text-align: right;">Page 39</p> <p>1 MICHAEL FISHMAN</p> <p>2 opt in, correct?</p> <p>3 MR. KING: I object. They speak</p> <p>4 for themselves but you can answer.</p> <p>5 Sorry, I cut you off.</p> <p>6 A Yeah, I can see that.</p> <p>7 Q Do you know why those IP</p> <p>8 addresses don't match?</p> <p>9 A I do not know why.</p> <p>10 I would only be able to</p> <p>11 speculate.</p> <p>12 Q Let's flip back to Exhibit 17.</p> <p>13 Do you see the language on TCPA disclosure?</p> <p>14 A Yes.</p> <p>15 Q Did you provide that information</p> <p>16 to Mr. Weeks at Quotewizard?</p> <p>17 A I believe so.</p> <p>18 Q Did you provide it separately or</p> <p>19 was it just within a URL that you provided, on</p> <p>20 a web page that linked through the URL?</p> <p>21 A I don't recall.</p> <p>22 Q And how about the screen shot</p> <p>23 language on Exhibit 17?</p> <p>24 A I don't recall how the</p> <p>25 information was provided.</p>	<p style="text-align: right;">Page 41</p> <p>1 MICHAEL FISHMAN</p> <p>2 IP addresses to not match the user IP address</p> <p>3 who filled out the form.</p> <p>4 Q Then how do you know that a</p> <p>5 particular user visited from a particular IP</p> <p>6 address?</p> <p>7 A We would not be able to utilize</p> <p>8 an IP address definitively in the lead that is</p> <p>9 captured and then distributed.</p> <p>10 Q What would you use?</p> <p>11 A For what purpose?</p> <p>12 Q To validate the --</p> <p>13 A A particular lead?</p> <p>14 Q A particular lead, yes.</p> <p>15 A Well, in most cases we would</p> <p>16 request the user IP address from the generator.</p> <p>17 Q From the lead generator?</p> <p>18 A Correct.</p> <p>19 Q And by that, do you mean the</p> <p>20 website on which a lead was created?</p> <p>21 A Yes.</p> <p>22 Q And would that be captured -- is</p> <p>23 that supposed to be captured by a Jornaya lead</p> <p>24 ID?</p> <p>25 A I don't know what the</p>

<p style="text-align: right;">Page 42</p> <p>1 MICHAEL FISHMAN</p> <p>2 requirements are, which Jornaya lead IDs,</p> <p>3 because from my understanding that is up to the</p> <p>4 end users, the clients of Jornaya.</p> <p>5 But I don't have any knowledge</p> <p>6 of what the exact information Jornaya captures.</p> <p>7 Q Okay.</p> <p>8 Have you ever seen a Jornaya</p> <p>9 rendering of the user experience in creating a</p> <p>10 lead?</p> <p>11 A I actually don't believe I have.</p> <p>12 Q Have you ever given RevPoint's</p> <p>13 role as a middleman, do you look at TCPA</p> <p>14 disclosure language on whatever website</p> <p>15 something was created?</p> <p>16 A Well, in many cases we are not</p> <p>17 aware of the website in realtime.</p> <p>18 And so we wouldn't be able to --</p> <p>19 that would be a very difficult task.</p> <p>20 Q Did you terminate your</p> <p>21 relationship with Plural because of this</p> <p>22 lawsuit?</p> <p>23 A We -- I don't know that we</p> <p>24 terminated our relationship, we certainly -- it</p> <p>25 became restricted to say the least.</p>	<p style="text-align: right;">Page 44</p> <p>1 MICHAEL FISHMAN</p> <p>2 A I don't know -- I believe so.</p> <p>3 MR. BRODERICK: Evan, I will just</p> <p>4 make note for the record that I think</p> <p>5 that those e-mails were responsive to</p> <p>6 our subpoena and that we request that</p> <p>7 they be produced.</p> <p>8 MR. POLANSKY: Ted, just for the</p> <p>9 record, I mean these e-mails we marked</p> <p>10 as work product on our privilege log, we</p> <p>11 discussed this last time during Matthew</p> <p>12 Week's deposition, just for the record.</p> <p>13 We can discuss it after.</p> <p>14 MR. BRODERICK: We can confer</p> <p>15 about that, we don't need to bore Mr.</p> <p>16 Fishman any more than we already are.</p> <p>17 Q Have you produced any additional</p> <p>18 information to Quotewizard about what you --</p> <p>19 about information that was provided to</p> <p>20 Quotewizard when RevPoint sold them the Mantha</p> <p>21 lead?</p> <p>22 MR. POLANSKY: Objection.</p> <p>23 MR. KING: When, do you mean like</p> <p>24 through our subpoena response?</p> <p>25 MR. BRODERICK: Not through the</p>
<p style="text-align: right;">Page 43</p> <p>1 MICHAEL FISHMAN</p> <p>2 I don't know that there was an</p> <p>3 official termination.</p> <p>4 Q But you are no longer accepting</p> <p>5 leads from Plural, correct?</p> <p>6 A That is correct.</p> <p>7 Q Have you had --</p> <p>8 MR. BRODERICK: Strike that.</p> <p>9 Q Can we go back to the RevPoint</p> <p>10 subpoena response.</p> <p>11 MR. BRODERICK: I am going to</p> <p>12 mark this, try to mark this as Exhibit</p> <p>13 19.</p> <p>14 (The above described document was</p> <p>15 marked Exhibit 19 for identification as of</p> <p>16 this date.)</p> <p>17 A I'm sorry, what am I looking at?</p> <p>18 Q What's now been marked as</p> <p>19 Exhibit 19 which is the RevPoint subpoena</p> <p>20 response combined, should be in the marked</p> <p>21 exhibits folder?</p> <p>22 A I've got it, thank you.</p> <p>23 Q Do you still have the e-mail</p> <p>24 exchange that you had with Matthew Weeks of</p> <p>25 Quotewizard?</p>	<p style="text-align: right;">Page 45</p> <p>1 MICHAEL FISHMAN</p> <p>2 subpoena response.</p> <p>3 Q We got a supplemental production</p> <p>4 recently and I want to know if you were the</p> <p>5 source of the information we received last</p> <p>6 night.</p> <p>7 MR. KING: I haven't seen it, I</p> <p>8 know the witness hasn't either.</p> <p>9 Q Okay, you didn't provide any</p> <p>10 information within the last month to</p> <p>11 Quotewizard?</p> <p>12 A No.</p> <p>13 MR. KING: He's talking to me,</p> <p>14 really, so not to my knowledge.</p> <p>15 I don't understand the question, we</p> <p>16 haven't made a supplemental production in</p> <p>17 the last month.</p> <p>18 MR. POLANSKY: No, Quotewizard</p> <p>19 made a supplemental production that</p> <p>20 didn't come from RevPoint.</p> <p>21 MR. BRODERICK: I am going to</p> <p>22 move a folder into the marked exhibits</p> <p>23 which is supplemental production</p> <p>24 7-27-20.</p> <p>25 A This is a new folder. I see it.</p>



<p style="text-align: right;">Page 46</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Supplemental production.</p> <p>3 A Okay.</p> <p>4 MR. KING: Just a second. Is it</p> <p>5 under marked exhibits?</p> <p>6 Thank you.</p> <p>7 MR. BRODERICK: You might need to</p> <p>8 refresh, everybody let me know when you</p> <p>9 have it.</p> <p>10 MR. KING: Got it.</p> <p>11 Q Do you see a document titled</p> <p>12 Quotewizard_mantha 000101?</p> <p>13 A The PDF, oh, 000101-104?</p> <p>14 Q Yes.</p> <p>15 A Yes.</p> <p>16 Q Do you recognize that document?</p> <p>17 A Do I recognize the document?</p> <p>18 No; I don't recognize the</p> <p>19 document.</p> <p>20 Q Does the information contained</p> <p>21 within the document look familiar?</p> <p>22 A It looks familiar, yes.</p> <p>23 Q And what is it?</p> <p>24 A It looks like -- it looks like</p> <p>25 the lead information for Mr. Mantha.</p>	<p style="text-align: right;">Page 48</p> <p>1 MICHAEL FISHMAN</p> <p>2 system when someone buys a lead?</p> <p>3 A It could be, yes.</p> <p>4 Q And that would be provided on</p> <p>5 the purchase of the lead by the end user?</p> <p>6 A Correct, yes, because there is a</p> <p>7 first name and last name and e-mail and phone.</p> <p>8 Q Okay, can you open something</p> <p>9 that says letter McKew?</p> <p>10 A Okay.</p> <p>11 Q And it's -- has RevPoint</p> <p>12 provided two separate leads with Joe Mantha's</p> <p>13 name to Quotewizard?</p> <p>14 A Not to my knowledge, no.</p> <p>15 Q Just the one lead that we have</p> <p>16 been talking about in this deposition, correct?</p> <p>17 A Just the one lead, correct.</p> <p>18 Q Okay, can you open the Excel</p> <p>19 spreadsheet there.</p> <p>20 Do you recognize this Excel</p> <p>21 spreadsheet?</p> <p>22 A No.</p> <p>23 Q You didn't create it?</p> <p>24 A No.</p> <p>25 Q Looking at this document, do you</p>
<p style="text-align: right;">Page 47</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q And is this the information that</p> <p>3 is -- well, is this at the point at which you</p> <p>4 ping the system, or is this when you provide</p> <p>5 the full lead after purchase?</p> <p>6 MR. KING: Sorry, objection as to</p> <p>7 form.</p> <p>8 I think we might be skipping a step</p> <p>9 here. Did you ask if RevPoint created or</p> <p>10 provided this document?</p> <p>11 Q Well, the information that's</p> <p>12 within this document, you did not create this</p> <p>13 document, correct?</p> <p>14 This PDF?</p> <p>15 A Not to my knowledge, no.</p> <p>16 Q But you say the information</p> <p>17 looks like the Mantha lead?</p> <p>18 A From the information that I can</p> <p>19 decipher, yes.</p> <p>20 I mean I am looking at his name</p> <p>21 is in here and his e-mail address.</p> <p>22 And there are a lot of -- it's</p> <p>23 sort of a run-on sentence, but is that a</p> <p>24 printout of what -- is that the type of</p> <p>25 information that is exchanged by your API</p>	<p style="text-align: right;">Page 49</p> <p>1 MICHAEL FISHMAN</p> <p>2 have any idea what quote_ID means?</p> <p>3 A No.</p> <p>4 MR. BRODERICK: I am just going</p> <p>5 to go ahead and introduce these</p> <p>6 exhibits.</p> <p>7 I introduce the letter as 20, the</p> <p>8 Excel spreadsheet, this I have to do</p> <p>9 differently I guess.</p> <p>10 This just gets moved into the</p> <p>11 folder, I guess, but it doesn't get a</p> <p>12 number.</p> <p>13 And then the PDF Quotewizard_mantha</p> <p>14 I am going to introduce as Exhibit 21.</p> <p>15 (The above described document was</p> <p>16 marked Exhibit 20 for identification, as</p> <p>17 of this date.)</p> <p>18 (The above described document was</p> <p>19 marked Exhibit 21 for identification, as</p> <p>20 of this date.)</p> <p>21 Q Go back to Exhibit 19, the</p> <p>22 RevPoint subpoena response, the last page of it</p> <p>23 which is the data that you said you queried</p> <p>24 your database to get.</p> <p>25 A Okay.</p>

<p style="text-align: right;">Page 50</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Did your database have any</p> <p>3 reference to SnappyAutoInsurance.com?</p> <p>4 That for some reason didn't get</p> <p>5 put on this sheet of data?</p> <p>6 A No.</p> <p>7 Q Would you agree that the IP</p> <p>8 address on your data sheet is not the same as</p> <p>9 on the Quotewizard opt in?</p> <p>10 A Which two IP addresses am a</p> <p>11 looking at, because I know there was a</p> <p>12 discrepancy in that, but I'm not sure with</p> <p>13 what.</p> <p>14 Q Right, so this one is</p> <p>15 66.187.107.166 and then we can look at the --</p> <p>16 A The one I have written down?</p> <p>17 Q Yes, which you wrote down from</p> <p>18 the Quotewizard opt in, which is 96. --</p> <p>19 A Yes, I can confirm that those</p> <p>20 are not the same.</p> <p>21 Q Right.</p> <p>22 Do you know why they don't</p> <p>23 match?</p> <p>24 A I do not.</p> <p>25 Q Are you aware that Plural</p>	<p style="text-align: right;">Page 52</p> <p>1 MICHAEL FISHMAN</p> <p>2 SnappyAutoInsurance.com, was that -- when did</p> <p>3 you learn that that was where Plural said the</p> <p>4 opt-in had come from?</p> <p>5 A We learned of that when we</p> <p>6 requested and received opt in information in</p> <p>7 order to verify consent.</p> <p>8 Q That was after this Complaint by</p> <p>9 Mr. Mantha, though, correct?</p> <p>10 A To my knowledge, yes.</p> <p>11 MR. POLANSKY: Just to be clear,</p> <p>12 for the record when you say Complaint,</p> <p>13 are you talking about the actual</p> <p>14 complaint filed in the lawsuit, or some</p> <p>15 sort of demand letter, Ted?</p> <p>16 MR. BRODERICK: Really --</p> <p>17 MR. POLANSKY: Because I know we</p> <p>18 had confusion about this earlier in my</p> <p>19 client's deposition.</p> <p>20 MR. BRODERICK: No, right. No, I</p> <p>21 would say when you were first contacted</p> <p>22 with any kind of complaint, even if it</p> <p>23 was just a demand letter, did you look</p> <p>24 into whether the consent was valid,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 51</p> <p>1 MICHAEL FISHMAN</p> <p>2 Marketing Solutions has provided a response to</p> <p>3 a subpoena in connection with this case?</p> <p>4 A I did not.</p> <p>5 Q Have you ever seen that subpoena</p> <p>6 response?</p> <p>7 A I have not.</p> <p>8 Q I am going to show you that, I</p> <p>9 am going to introduce it as Exhibit 22 for ease</p> <p>10 of reference.</p> <p>11 A Okay.</p> <p>12 (The above described document was</p> <p>13 marked Exhibit 22 for identification, as</p> <p>14 of this date.)</p> <p>15 Q I will ask you to scroll down in</p> <p>16 that document to what starts after Exhibit C?</p> <p>17 A Okay.</p> <p>18 Q Have you seen any of that</p> <p>19 information from any source?</p> <p>20 MR. BRODERICK: Strike that.</p> <p>21 Q Are you familiar with that</p> <p>22 e-mail address for Adam Brown?</p> <p>23 A No, I am not.</p> <p>24 Q And although Plural lists the</p> <p>25 source of the application as</p>	<p style="text-align: right;">Page 53</p> <p>1 MICHAEL FISHMAN</p> <p>2 MR. POLANSKY: Thanks.</p> <p>3 A Correct, yes.</p> <p>4 Q And you see that the date of the</p> <p>5 application provided -- well, by Plural in</p> <p>6 response to our subpoena, is 6/26/2019?</p> <p>7 A Yes.</p> <p>8 Q Did they provide that</p> <p>9 information to you?</p> <p>10 A I don't recall, it's possible.</p> <p>11 Q And this data, I don't see a</p> <p>12 Jornaya lead ID in Plural's response to the</p> <p>13 subpoena.</p> <p>14 Do you know if Plural had a</p> <p>15 Jornaya lead ID associated with Mr. Mantha's --</p> <p>16 Mr. Mantha's supposed lead at the time it was</p> <p>17 created?</p> <p>18 A I can only talk about when that</p> <p>19 lead was offered and then sent into RevPoint</p> <p>20 Media.</p> <p>21 At that point there was a</p> <p>22 general lead ID associated with 2, so I</p> <p>23 can't -- I have no idea how -- what Plural --</p> <p>24 how they generate their Jornaya lead IDs.</p> <p>25 Q Do you have any -- I can</p>

<p style="text-align: right;">Page 54</p> <p>1 MICHAEL FISHMAN</p> <p>2 represent to you that Jornaya says that the</p> <p>3 lead ID provided by Plural is actually</p> <p>4 associated with a website called</p> <p>5 unitedquotes.com.</p> <p>6 Do you have any idea why in its</p> <p>7 transmission to you they said it was</p> <p>8 SnappyAutoInsurance.com?</p> <p>9 A I have no idea.</p> <p>10 Q Do you have any idea why the</p> <p>11 date of application on the Plural subpoena</p> <p>12 response does not match the date of application</p> <p>13 on the Jornaya lead ID?</p> <p>14 A I do not.</p> <p>15 Q Does RevPoint take any position</p> <p>16 on whether Mr. Mantha consented to receive</p> <p>17 telemarketing text from Quotewizard?</p> <p>18 A Well, it's my understanding that</p> <p>19 consent was given, because that data was</p> <p>20 provided to us.</p> <p>21 Q But nobody at RevPoint has any</p> <p>22 personal knowledge as to who it was that</p> <p>23 supposedly filled out this lead on a website?</p> <p>24 A Other than the information we</p> <p>25 received, we have no other knowledge.</p>	<p style="text-align: right;">Page 56</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Do you know if when you clicked</p> <p>3 on the link it was active?</p> <p>4 A I would not have sent a URL to</p> <p>5 Quotewizard that was not active.</p> <p>6 Q And --</p> <p>7 MR. POLANSKY: Strike that.</p> <p>8 Q You personally sent the URL of</p> <p>9 SnappyAutoInsurance.com to Quotewizard, is that</p> <p>10 correct?</p> <p>11 A That is correct.</p> <p>12 Q And that was Matthew Weeks you</p> <p>13 sent it to?</p> <p>14 A I'm pretty sure, yes.</p> <p>15 Q Now, are you aware that you also</p> <p>16 sent him an IP address?</p> <p>17 A I'm sure.</p> <p>18 Q And you were asked by</p> <p>19 Mr. Broderick some questions about whether the</p> <p>20 IP address on the Quotewizard opt in sheet that</p> <p>21 you looked at is the same as the RevPoint</p> <p>22 response, and you testified that they are</p> <p>23 different, right?</p> <p>24 A Yes.</p> <p>25 Q Do you know why they are</p>
<p style="text-align: right;">Page 55</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Okay, thanks.</p> <p>3 MR. BRODERICK: No further</p> <p>4 questions right now.</p> <p>5 Thank you very much.</p> <p>6 MR. POLANSKY: Great.</p> <p>7</p> <p>8 EXAMINATIN BY</p> <p>9 MR. POLANSKY:</p> <p>10</p> <p>11 Q Mr. Fishman, once again, I am</p> <p>12 Kevin Polansky, I represent the Defendant</p> <p>13 Quotewizard in this case.</p> <p>14 I do have a couple of follow-up</p> <p>15 questions.</p> <p>16 This won't take very long, but I</p> <p>17 do want to go through a few things.</p> <p>18 A Sure.</p> <p>19 Q Have you ever personally went to</p> <p>20 the SnappyAutoInsurance website?</p> <p>21 A I don't know whether I clicked</p> <p>22 on that link when it was provided by Plural.</p> <p>23 Possibly -- I probably did, but</p> <p>24 I don't recall, I probably made sure that it</p> <p>25 was active before I sent it.</p>	<p style="text-align: right;">Page 57</p> <p>1 MICHAEL FISHMAN</p> <p>2 different?</p> <p>3 A I don't know why. I can only</p> <p>4 speculate.</p> <p>5 Q And what's your belief?</p> <p>6 MR. BRODERICK: Objection.</p> <p>7 Q You can answer.</p> <p>8 A I can answer that?</p> <p>9 MR. BRODERICK: Yes.</p> <p>10 MR. POLANSKY: Yes.</p> <p>11 A So, my belief is that, and this</p> <p>12 happens with some regularity in the space, is</p> <p>13 that IP addresses come from the platforms that</p> <p>14 are supplying the API data and not from the</p> <p>15 user, and systems are not verifying the IP</p> <p>16 address other than potentially if it's</p> <p>17 international.</p> <p>18 MR. BRODERICK: Objection, move</p> <p>19 to strike.</p> <p>20 Q The IP address identified in the</p> <p>21 RevPoint response, was that IP address provided</p> <p>22 by Plural?</p> <p>23 A We would -- anything that we</p> <p>24 provided would have been provided by Plural.</p> <p>25 Either in the original data that</p>

<p style="text-align: right;">Page 58</p> <p>1 MICHAEL FISHMAN</p> <p>2 was sent over, or in a subsequent request.</p> <p>3 Q Do you still have the Plural</p> <p>4 response to the Mantha subpoena in front of</p> <p>5 you?</p> <p>6 MR. BRODERICK: Exhibit 22.</p> <p>7 A Yes, I do.</p> <p>8 Q On I believe it's page 15 of 20,</p> <p>9 there is a document and at the top it says</p> <p>10 "original source lead generator."</p> <p>11 Do you see that?</p> <p>12 A No, I'm sorry, let me catch up</p> <p>13 to where were you saying.</p> <p>14 Q Page 15 of 20.</p> <p>15 A 15, okay.</p> <p>16 Q And do you see a Word document</p> <p>17 with two bolded sections called original source</p> <p>18 lead generator and applicant TCPA audit?</p> <p>19 A No, hold on, I think I'm in the</p> <p>20 wrong place. Exhibit C is this?</p> <p>21 Q Yes, right after Exhibit C or I</p> <p>22 guess it is Exhibit C, yes.</p> <p>23 A And this is the lead data?</p> <p>24 Q Yes.</p> <p>25 A Okay; okay.</p>	<p style="text-align: right;">Page 60</p> <p>1 MICHAEL FISHMAN</p> <p>2 A I don't know.</p> <p>3 Within the original lead, I</p> <p>4 don't think we accept in the API multiple IP</p> <p>5 addresses, so that would not be possible.</p> <p>6 But I don't know -- anything we</p> <p>7 provided they provided, so if they provided a</p> <p>8 different IP address, we certainly would have</p> <p>9 been provided multiple IP addresses.</p> <p>10 Q Who created this document in</p> <p>11 front of you at Exhibit 19?</p> <p>12 MR. KING: Sorry, is Exhibit 19</p> <p>13 RevPoint's response?</p> <p>14 Q Yes, page 10?</p> <p>15 MR. KING: The subpoena response</p> <p>16 obviously would have been created by me.</p> <p>17 MR. POLANSKY: I guess my</p> <p>18 question is on the last page, do you</p> <p>19 know why the Jornaya lead ID is not</p> <p>20 identified on this page.</p> <p>21 A That I don't know.</p> <p>22 Q Do you dispute that you</p> <p>23 provided --</p> <p>24 MR. BRODERICK: Strike that.</p> <p>25 Q Do you dispute that RevPoint</p>
<p style="text-align: right;">Page 59</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Do you see where they identify</p> <p>3 the applicant IP address?</p> <p>4 A Yes.</p> <p>5 Q And that's different from the IP</p> <p>6 address that RevPoint provided in response to</p> <p>7 its subpoena, right?</p> <p>8 A Again, I don't have the two in</p> <p>9 front of me to make that comparison, because</p> <p>10 that one looks like the one I have written</p> <p>11 down, but I don't have the -- what we provided</p> <p>12 in front of me.</p> <p>13 Q Okay, let's take a look at it,</p> <p>14 its Exhibit 19.</p> <p>15 A Okay.</p> <p>16 Q I think it the last page.</p> <p>17 Would you agree that the IP</p> <p>18 addresses don't match?</p> <p>19 A Correct, they do not match.</p> <p>20 Q Do you know whether Plural</p> <p>21 provided RevPoint with more than one IP address</p> <p>22 for this lead?</p> <p>23 A Within the original lead?</p> <p>24 Q I guess within the original</p> <p>25 lead, or at any time.</p>	<p style="text-align: right;">Page 61</p> <p>1 MICHAEL FISHMAN</p> <p>2 provided a lead ID to Quotewizard?</p> <p>3 A No, I don't ski.</p> <p>4 Q In fact Quotewizard required a</p> <p>5 Jornaya lead ID, is that right?</p> <p>6 A That's right. I don't recall</p> <p>7 the API requirements, it's certainly possible</p> <p>8 and not uncommon to have that as a requirement.</p> <p>9 Q In this case you don't dispute</p> <p>10 that a Jornaya lead ID was provided from</p> <p>11 RevPoint to Quotewizard?</p> <p>12 A No, I do not dispute that.</p> <p>13 Q Just turning back to Exhibit 17.</p> <p>14 A Okay.</p> <p>15 Q Do you dispute any of the</p> <p>16 information on this exhibit was provided by</p> <p>17 RevPoint to Quotewizard?</p> <p>18 MR. BRODERICK: Objection to the</p> <p>19 form.</p> <p>20 A I can't say one way or the</p> <p>21 other, I don't recall.</p> <p>22 Q Okay.</p> <p>23 But you do recall that RevPoint</p> <p>24 provided an IP address to Quotewizard, right?</p> <p>25 A That's correct.</p>

<p style="text-align: right;">Page 62</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q And a Jornaya lead ID was also</p> <p>3 provided by RevPoint to Quotewizard, is that</p> <p>4 right?</p> <p>5 A Within the original lead,</p> <p>6 correct.</p> <p>7 Q And that at some point in time</p> <p>8 you did provide a URL to SnappyAutoInsurance to</p> <p>9 Quotewizard, right?</p> <p>10 A Correct.</p> <p>11 Q And then the other information</p> <p>12 is sort of the data that would come with the</p> <p>13 lead packet, is that right?</p> <p>14 MR. BRODERICK: Objection.</p> <p>15 A That's my understanding.</p> <p>16 I don't know if I provided this</p> <p>17 screenshot or that was generated, I don't know.</p> <p>18 Q But in any event, you would have</p> <p>19 advised or --</p> <p>20 MR. BRODERICK: Strike that.</p> <p>21 Q In any event, you would have</p> <p>22 informed Quotewizard where to find or obtain</p> <p>23 the consent language?</p> <p>24 MR. BRODERICK: Objection.</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 64</p> <p>1 MICHAEL FISHMAN</p> <p>2 pages and tell me if you see any consent</p> <p>3 language?</p> <p>4 A I do not see any consent</p> <p>5 language.</p> <p>6 Q Do you recall after receiving, I</p> <p>7 know Mr. Broderick used the term complaint, but</p> <p>8 after Mr. Weeks informed you of a demand</p> <p>9 received by Quotewizard from the Plaintiff in</p> <p>10 this case, that he reached out to you for</p> <p>11 consent language?</p> <p>12 A I don't know that I reached out</p> <p>13 specifically for consent language, but reached</p> <p>14 out for verification of consent.</p> <p>15 Q Okay, but he did reach out by</p> <p>16 e-mail to you for verification of consent with</p> <p>17 respect to Mr. Mantha, is that right?</p> <p>18 A Matthew Weeks, right?</p> <p>19 Q Yes, yes.</p> <p>20 A Yes, he did.</p> <p>21 Q And you provided the information</p> <p>22 that you had received from Plural Marketing, is</p> <p>23 that right?</p> <p>24 A Correct.</p> <p>25 Q And turning again to Exhibit 17,</p>
<p style="text-align: right;">Page 63</p> <p>1 MICHAEL FISHMAN</p> <p>2 Q Well, do you know whether</p> <p>3 RevPoint in the lead provided consent language</p> <p>4 to Quotewizard?</p> <p>5 A We would have provided consent</p> <p>6 language within the lead.</p> <p>7 MR. BRODERICK: Objection to the</p> <p>8 form.</p> <p>9 Q You would have?</p> <p>10 A It's my understanding that</p> <p>11 consent language came with the lead.</p> <p>12 Q What type of consent language</p> <p>13 comes with the lead?</p> <p>14 A Whatever is provided by the</p> <p>15 lead, so whatever Plural sent us we would have</p> <p>16 sent to Quotewizard.</p> <p>17 Q So I'm going to turn your</p> <p>18 attention to Exhibit 21 that you just looked</p> <p>19 at.</p> <p>20 A Okay.</p> <p>21 Q And I'm going to represent to</p> <p>22 you that this was the electronic information</p> <p>23 that came from RevPoint to Quotewizard after</p> <p>24 the lead was purchased.</p> <p>25 Can you go through these four</p>	<p style="text-align: right;">Page 65</p> <p>1 MICHAEL FISHMAN</p> <p>2 do you have any reason to dispute the TCPA</p> <p>3 disclosure that's on this document as being</p> <p>4 provided by you to Mr. Weeks?</p> <p>5 A No, I have no reason to dispute.</p> <p>6 MR. POLANSKY: That might be all</p> <p>7 I have, but I would like to check my</p> <p>8 notes real quickly.</p> <p>9 Just give me a moment.</p> <p>10 THE WITNESS: Sure.</p> <p>11 Q When you reached out after</p> <p>12 hearing from Matthew Weeks to verify the</p> <p>13 consent for Mr. Mantha did you personally reach</p> <p>14 out to George Rios or did someone from your</p> <p>15 team or company?</p> <p>16 A Someone from my team.</p> <p>17 Q Do you know who that individual</p> <p>18 is?</p> <p>19 A Yes, that was Jesse Schreiber.</p> <p>20 Q Is Jesse a man or woman?</p> <p>21 A A man.</p> <p>22 Q And how do you spell Schreiber?</p> <p>23 A S-c-h-r-e-i-b-e-r.</p> <p>24 Q Okay.</p> <p>25 Q I think you mentioned it was</p>

Page 66

1 MICHAEL FISHMAN

2 either by Skype or e-mail, is that right?

3 A Correct, or possibly a blend, I

4 don't know.

5 MR. BRODERICK: Possibly a what?

6 A A blend of the two, maybe

7 reaching out on Skype and shooting an e-mail.

8 Q Do you know if Plural Marketing

9 is associated with the website

10 unitedquotes.com?

11 A I don't know. I could only

12 speculate.

13 Q Have you ever heard of the

14 website called Snappy Surveys?

15 A I have not.

16 Q Have you ever heard of Justin

17 Cohen, I think you might have answered that?

18 A No, I don't know that name.

19 Q And Adam Brown?

20 A Nope.

21 Q When you went to the

22 SnappyAutoInsurance website to confirm that it

23 was working, did you happen to take any

24 screenshots or images from that website at the

25 time?

Page 67

1 MICHAEL FISHMAN

2 A No.

3 Q When you went on the

4 SnappyAutoInsurance website, did you go on the

5 website to confirm there was TCPA compliance

6 language on the website?

7 A I don't recall what I did when I

8 went on that website.

9 MR. POLANSKY: I have no further

10 questions.

11 Thank you very much for your time.

12 MR. BRODERICK: Nothing further

13 from me.

14 Thanks very much, Mr. Fishman.

15 THE WITNESS: This concludes

16 today's testimony given by Michael

17 Fishman, total number of media units is

18 1 and will be retained by Veritext.

19 The time is approximately 1:59 p.m.

20 We are off the record.

21

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23

24

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Page 68

1 MICHAEL FISHMAN

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4

5 I, the undersigned, a Certified

6 Shorthand Reporter of the State of New

7 York, do hereby certify:

8 That the foregoing proceedings were

9 taken before me at the time and place

10 herein set forth; that any witnesses in

11 the foregoing proceedings, prior to

12 testifying, were duly sworn; that a record

13 of the proceedings was made by me using

14 machine shorthand which was thereafter

15 transcribed under my direction;

16 That the foregoing transcript is a

17 true record of the testimony given.

18 Further, that if the foregoing

19 pertains to the original transcript of a

20 deposition in a federal case before

21 completion of the proceedings, review of

22 the transcript [ ] was [x] was not

23 requested.

24 I further certify I am neither


25 financially interested in the action nor a

relative or employee of any attorney or

party to this action.

IN WITNESS WHEREOF, I have this

da



Stephen J. Moore  
RPR, CRR  
Dated: 8/11/2020

Page 69

1 MICHAEL FISHMAN

2 DECLARATION UNDER PENALTY OF PERJURY

3 Case Name: MANTHA v. QUOTEWIZARD

4 Date of Deposition: July 28,

5 2020

6

7 I, MICHAEL FISHMAN, hereby certify

8 Under penalty of perjury under the

9 laws of the State of New York that the

10 foregoing is true and correct.

11 Executed this \_\_\_\_\_ day of

12 \_\_\_\_\_, 2020, at

13 \_\_\_\_\_.

14

15

16

17

18 MICHAEL FISHMAN

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Page 70

1 MICHAEL FISHMAN  
2 DEPOSITION ERRATA SHEET  
3 Case Name: MANTHA v. QUOTEWIZARD  
4 Name of Witness: MICHAEL FISHMAN  
5 Date of Deposition: July 28,  
6 2020  
7 Reason Codes: 1. To clarify the  
8 record.  
9 2. To conform to the facts.  
10 3. To correct transcription errors.  
11 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
12 From \_\_\_\_\_ to \_\_\_\_\_  
13 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
14 From \_\_\_\_\_ to \_\_\_\_\_  
15 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
16 From \_\_\_\_\_ to \_\_\_\_\_  
17 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
18 From \_\_\_\_\_ to \_\_\_\_\_  
19 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
20 From \_\_\_\_\_ to \_\_\_\_\_  
21 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
22 From \_\_\_\_\_ to \_\_\_\_\_  
23 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
24 From \_\_\_\_\_ to \_\_\_\_\_  
25 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
26 From \_\_\_\_\_ to \_\_\_\_\_

Page 71

1 MICHAEL FISHMAN  
2 DEPOSITION ERRATA SHEET  
3 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
4 From \_\_\_\_\_ to \_\_\_\_\_  
5 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
6 From \_\_\_\_\_ to \_\_\_\_\_  
7 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
8 From \_\_\_\_\_ to \_\_\_\_\_  
9 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
10 From \_\_\_\_\_ to \_\_\_\_\_  
11 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
12 From \_\_\_\_\_ to \_\_\_\_\_  
13 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
14 From \_\_\_\_\_ to \_\_\_\_\_  
15 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
16 From \_\_\_\_\_ to \_\_\_\_\_  
17 \_\_\_\_\_ Subject to the above  
18 changes, I certify that the transcript is  
19 true and correct  
20 \_\_\_\_\_ No changes have been  
21 made. I certify that the transcript is  
22 true and correct.  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 MICHAEL FISHMAN

19 (Pages 70 - 71)

[&amp; - back]

Page 1

<b>&amp;</b>	<b>22</b> 3:12 51:9,13 58:6	<b>account</b> 37:15,18 37:19	31:2 33:4,15,17 34:5 39:4 57:7,8
<b>&amp;</b> 2:9	<b>28</b> 1:12 4:4 69:4 70:5	<b>accurate</b> 30:9	<b>answered</b> 66:17
<b>0</b>	<b>3</b>	<b>acquired</b> 20:10	<b>apa</b> 40:21
<b>000101</b> 46:12	<b>3</b> 70:10	<b>acquisition</b> 7:23 25:7,10	<b>api</b> 12:21 13:22 17:25 18:3,9
<b>000101-104</b> 46:13	<b>30</b> 15:5 20:8	<b>action</b> 5:9 68:15 68:16	47:25 57:14 60:4 61:7
<b>01890</b> 2:6	<b>4</b>	<b>active</b> 7:20 55:25 56:3,5	<b>apologize</b> 34:19
<b>02109</b> 2:12	<b>43</b> 3:8	<b>actual</b> 52:13	<b>applicant</b> 58:18 59:3
<b>1</b>	<b>450</b> 2:17	<b>adam</b> 21:5 51:22 66:19	<b>application</b> 51:25 53:5 54:11,12
<b>1</b> 4:15 14:17 67:18 70:7	<b>49</b> 3:10,11	<b>additional</b> 44:17	<b>approximately</b> 4:3 7:8 67:19
<b>10</b> 14:17 15:4 60:14	<b>5</b>	<b>address</b> 18:21,22 25:6 36:16 38:23 40:16,20,22 41:2,6 41:8,16 47:21 50:8 51:22 56:16 56:20 57:16,20,21 59:3,6,21 60:8 61:24	<b>asked</b> 34:20 56:18
<b>100</b> 12:15,17 29:22	<b>51</b> 3:12	<b>addresses</b> 39:8 41:2 50:10 57:13 59:18 60:5,9	<b>asking</b> 13:8 17:4 18:18 36:18
<b>10123</b> 2:18	<b>55</b> 3:4	<b>administer</b> 5:8	<b>associate</b> 38:11
<b>12235</b> 1:8 4:23	<b>6</b>	<b>advised</b> 62:19	<b>associated</b> 36:25 38:15 53:15,22 54:4 66:9
<b>12:30</b> 1:12	<b>6</b> 3:3,3	<b>afternoon</b> 5:17	<b>assume</b> 13:6
<b>13</b> 3:12	<b>6/26/2019</b> 53:6	<b>aggravating</b> 6:24	<b>attention</b> 63:18
<b>132.28</b> 36:24	<b>66.187.107.166</b> 50:15	<b>ago</b> 23:2,3	<b>attorney</b> 5:13 33:15 68:16
<b>15</b> 3:8 58:8,14,15	<b>7</b>	<b>agree</b> 4:14 50:7 59:17	<b>attorneys</b> 2:4,10 2:16
<b>16</b> 3:10,11	<b>7-27-20</b> 45:24	<b>agreement</b> 14:11 32:18 33:13	<b>audio</b> 4:11,12
<b>17</b> 27:13 35:25 39:12,23 61:13 64:25	<b>8</b>	<b>ahead</b> 49:5	<b>audit</b> 58:18
<b>18</b> 37:6,9	<b>8</b> 3:4	<b>alex</b> 7:4	<b>authorized</b> 5:7
<b>19</b> 3:8 43:13,15,19 49:21 59:14 60:11 60:12	<b>8/11/2020</b> 68:23	<b>allow</b> 23:11	<b>auto</b> 18:6
<b>15:19</b> 1:8 4:23	<b>8/5/19</b> 36:14	<b>allows</b> 20:16 33:16	<b>avenue</b> 2:17
<b>1:59</b> 67:19	<b>8d3</b> 37:2	<b>answer</b> 6:19 8:23 8:23,25 9:2 11:9 12:6,11 14:22	<b>avoid</b> 19:18
<b>2</b>	<b>9</b>		<b>aware</b> 21:24 42:17 50:25 56:15
<b>2</b> 26:5 27:7 53:22 70:9	<b>96</b> 50:18		<b>b</b>
<b>20</b> 3:10 49:7,16 58:8,14	<b>96.2</b> 36:17		<b>b</b> 3:6 65:23
<b>2020</b> 1:12 4:4 69:5 69:12 70:6	<b>96.242.132.28.</b> 36:23		<b>back</b> 24:21 26:9 29:23 33:24 35:3 35:25 39:12 43:9
<b>208</b> 2:5	<b>a</b>		
<b>20932</b> 68:20	<b>able</b> 39:10 41:7 42:18		
<b>21</b> 3:11 49:14,19 63:18	<b>accept</b> 60:4		
	<b>accepted</b> 14:9		
	<b>accepting</b> 43:4		



[back - cost]

Page 2

49:21 61:13 <b>ballpark</b> 13:18 14:16 <b>based</b> 32:4 33:9 <b>behalf</b> 1:5 4:18 10:23 <b>belief</b> 57:5,11 <b>believe</b> 29:21 39:17 42:11 44:2 58:8 <b>bell</b> 21:16,22 <b>best</b> 14:21 <b>bff</b> 37:3 <b>bid</b> 13:22 14:7,8,9 17:17 <b>blend</b> 66:3,6 <b>blue</b> 21:10,14,15 21:16 <b>bolded</b> 58:17 <b>bore</b> 44:15 <b>boston</b> 2:12 <b>broderick</b> 2:3,8 3:3 5:14,15 6:7 11:15 12:3 26:14 26:22 27:7,11 28:4,17 32:20,25 37:24 43:8,11 44:3,14,25 45:21 46:7 49:4 51:20 52:16,20 55:3 56:19 57:6,9,18 58:6 60:24 61:18 62:14,20,24 63:7 64:7 66:5 67:12 <b>brown</b> 21:5 51:22 66:19 <b>business</b> 7:19 <b>buy</b> 14:5,6 21:23 <b>buyer</b> 13:21 14:3 14:4	<b>buyers</b> 13:24 <b>buying</b> 21:24 <b>buys</b> 48:2  <b>c</b>  <b>c</b> 2:2 5:25 51:16 58:20,21,22 65:23 <b>call</b> 33:9 <b>called</b> 5:25 12:23 21:8,25 23:25 54:4 58:17 66:14 <b>calls</b> 10:3 31:10 <b>captured</b> 8:3 41:9 41:22,23 <b>captures</b> 40:9 42:6 <b>career</b> 7:14 <b>case</b> 1:8 4:21,23 12:2 13:16 17:5 19:14 33:18 51:3 55:13 61:9 64:10 68:12 69:3 70:3 <b>cases</b> 23:10 41:15 42:16 <b>catch</b> 58:12 <b>cell</b> 4:7,9 <b>cents</b> 14:17 15:4 <b>ceo</b> 7:10 <b>certain</b> 10:5,7 <b>certainly</b> 21:17 28:7 42:24 60:8 61:7 <b>certificate</b> 10:9 <b>certified</b> 1:18 68:5 <b>certify</b> 68:6,15 69:7 71:18,21 <b>changes</b> 71:18,20 <b>check</b> 23:17 65:7 <b>circumstances</b> 10:8 <b>circumvention</b> 19:18	<b>claims</b> 32:3 <b>clarify</b> 70:7 <b>classified</b> 19:5 <b>clear</b> 6:15 52:11 <b>click</b> 26:19,25 <b>clicked</b> 55:21 56:2 <b>client's</b> 52:19 <b>clients</b> 42:4 <b>code</b> 18:7 40:7 <b>codes</b> 70:7 <b>cohen</b> 21:21 66:17 <b>collect</b> 29:12 <b>collected</b> 19:11 29:13 <b>combined</b> 3:9 28:22 43:20 <b>come</b> 38:16 40:21 40:22,23 45:20 52:4 57:13 62:12 <b>comes</b> 63:13 <b>communicated</b> 35:17 <b>communication</b> 35:14,23 <b>companies</b> 21:14 21:19 <b>company</b> 21:8 22:9 23:25 24:2 65:15 <b>compare</b> 37:5 <b>comparison</b> 36:6 59:9 <b>complaint</b> 15:21 22:2,3 24:8,9 34:12 52:8,12,14 52:22 64:7 <b>completion</b> 68:13 <b>compliance</b> 31:19 67:5 <b>computer</b> 4:10 21:2	<b>concludes</b> 67:15 <b>confer</b> 44:14 <b>confirm</b> 30:9,15 50:19 66:22 67:5 <b>conform</b> 70:9 <b>confusion</b> 52:18 <b>connection</b> 15:23 23:5 51:3 <b>consent</b> 10:6 11:18 25:8 31:9,19,23 34:4,8 52:7,24 54:19 62:23 63:3 63:5,11,12 64:2,4 64:11,13,14,16 65:13 <b>consented</b> 10:2 30:20 31:9 54:16 <b>contact</b> 16:10 35:7 <b>contacted</b> 52:21 <b>contained</b> 46:20 <b>context</b> 18:19 <b>continue</b> 4:13 <b>contract</b> 8:14 32:16 37:15,20 <b>conversation</b> 19:5 <b>conversations</b> 4:7 24:5 34:11 <b>correct</b> 10:13 17:22 24:16 30:10 30:14 38:9,17,18 39:2 41:18 43:5,6 47:13 48:6,16,17 52:9,25 53:3 56:10,11 59:19 61:25 62:6,10 64:24 66:3 69:10 70:10 71:19,22 <b>correspondence</b> 34:24 <b>cost</b> 12:15
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[counsel - extent]

Page 3

<b>counsel</b> 4:17 5:11 5:20,21 33:21 <b>couple</b> 55:14 <b>court</b> 1:2 4:22 5:5 <b>crazy</b> 6:20 <b>create</b> 47:12 48:23 <b>created</b> 15:25 18:23 34:7 37:18 41:20 42:15 47:9 53:17 60:10,16 <b>creating</b> 42:9 <b>criteria</b> 10:5 <b>crr</b> 68:22 <b>customers</b> 38:5 <b>cut</b> 39:5 <b>cv</b> 1:8 4:23	<b>depends</b> 13:2,14 19:13 <b>deposed</b> 6:12 <b>deposition</b> 1:14 4:16,24 26:18,25 27:10 44:12 48:16 52:19 68:12 69:4 70:2,5 71:2 <b>described</b> 43:14 49:15,18 51:12 <b>designated</b> 10:22 <b>determined</b> 13:9 <b>determining</b> 13:11 <b>develop</b> 20:20,24 <b>different</b> 10:14,15 18:4 40:21 56:23 57:2 59:5 60:8 <b>differently</b> 49:9 <b>difficult</b> 42:19 <b>digital</b> 7:13,25 <b>direction</b> 68:10 <b>directly</b> 16:4 <b>disclosure</b> 23:17 39:13 42:14 65:3 <b>discovery</b> 27:20 <b>discrepancy</b> 50:12 <b>discuss</b> 44:13 <b>discussed</b> 44:11 <b>discussions</b> 33:20 <b>display</b> 25:12 <b>dispute</b> 60:22,25 61:9,12,15 65:2,5 <b>distribute</b> 8:4 20:5 <b>distributed</b> 41:9 <b>distribution</b> 7:23 <b>district</b> 1:2,3 4:22 4:22 <b>document</b> 27:15 27:18,20 28:12 29:2 36:3 37:6 43:14 46:11,16,17	46:19,21 47:10,12 47:13 48:25 49:15 49:18 51:12,16 58:9,16 60:10 65:3 <b>dog</b> 24:2 <b>domain</b> 22:10 <b>drastically</b> 12:18 <b>drive</b> 6:20 <b>drives</b> 6:20 <b>duly</b> 6:2 68:8 <b>dynamic</b> 12:20 13:6,7	<b>entirely</b> 6:18 <b>entities</b> 8:3 <b>entitled</b> 1:16 <b>errata</b> 70:2 71:2 <b>errors</b> 70:10 <b>esq</b> 2:8,14,20 <b>essence</b> 31:16 <b>evan</b> 2:20 5:20 30:24 44:3 <b>event</b> 62:18,21 <b>everybody</b> 46:8 <b>exact</b> 42:6 <b>exactly</b> 8:12 9:4 <b>examinatin</b> 55:8 <b>examination</b> 3:2 6:6 11:13 32:16 <b>examined</b> 6:3 <b>examples</b> 18:11 <b>exbt</b> 3:8,10,11,12 <b>excel</b> 48:18,20 49:8 <b>exchange</b> 43:24 <b>exchanged</b> 47:25 <b>executed</b> 69:11 <b>exhibit</b> 10:17 26:5 27:7,13 35:25 37:6,9 39:12,23 43:12,15,19 49:14 49:16,19,21 51:9 51:13,16 58:6,20 58:21,22 59:14 60:11,12 61:13,16 63:18 64:25 <b>exhibits</b> 26:2,21 43:21 45:22 46:5 49:6 <b>experience</b> 40:9 40:12,13 42:9 <b>explained</b> 14:21 <b>extent</b> 33:18
<b>d</b>		<b>e</b>	
<b>data</b> 17:25 18:12 29:11,13 30:5 31:6,14,17 33:8 34:7 49:23 50:5,8 53:11 54:19 57:14 57:25 58:23 62:12 <b>database</b> 29:14,18 49:24 50:2 <b>date</b> 36:14 43:16 49:17,20 51:14 53:4 54:11,12 68:17 69:4 70:5 <b>dated</b> 68:23 <b>day</b> 69:11 <b>dealt</b> 21:7 <b>decipher</b> 47:19 <b>declaration</b> 69:2 <b>defendant</b> 1:10 2:10 55:12 <b>define</b> 18:24 <b>definitively</b> 41:8 <b>delivered</b> 40:20 <b>demand</b> 52:15,23 64:8		<b>e</b> 2:2,2 3:6 5:25 18:21 24:18,21 25:12,15,18 27:21 28:2,5,7 34:14,24 35:7,12 43:23 44:5,9 47:21 48:7 51:22 64:16 65:23 65:23 66:2,7 <b>earlier</b> 52:18 <b>ease</b> 51:9 <b>easier</b> 10:21 <b>edward</b> 2:8 5:15 <b>eight</b> 7:8 <b>either</b> 45:8 57:25 66:2 <b>electronic</b> 63:22 <b>else's</b> 38:8 <b>employee</b> 35:16 68:16 <b>employees</b> 16:9 <b>ended</b> 9:5 <b>ends</b> 37:2 <b>enforceable</b> 33:9 <b>england</b> 5:3 <b>ensure</b> 9:23,24 <b>entire</b> 7:14	

## [f - information]

Page 4

<p><b>f</b></p> <p><b>f</b> 5:25</p> <p><b>facilitate</b> 8:2</p> <p><b>fact</b> 61:4</p> <p><b>factors</b> 12:25</p> <p><b>facts</b> 70:9</p> <p><b>fair</b> 6:25 9:11 15:22 16:2 30:4</p> <p><b>familiar</b> 22:4,7,12 24:2 32:11 46:21 46:22 51:21</p> <p><b>federal</b> 68:12</p> <p><b>file</b> 27:3</p> <p><b>filed</b> 4:21 52:14</p> <p><b>filled</b> 41:3 54:23</p> <p><b>financially</b> 5:10 68:15</p> <p><b>find</b> 62:22</p> <p><b>finish</b> 6:17</p> <p><b>firm</b> 5:2,6</p> <p><b>first</b> 6:2,10 26:2 48:7 52:21</p> <p><b>fishman</b> 1:15 2:1 3:1 4:1,16 5:1,15 5:18 6:1,9,13 7:1 7:5 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1,22 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1,16 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1,11</p>	<p>56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1,14 67:17 68:1 69:1,7 69:18 70:1,4 71:1 71:25</p> <p><b>flame</b> 21:10</p> <p><b>flip</b> 39:12</p> <p><b>folder</b> 26:2,6,7,15 27:2,2,12 43:21 45:22,25 49:11</p> <p><b>follow</b> 55:14</p> <p><b>follows</b> 6:4</p> <p><b>foregoing</b> 68:6,8 68:10,11 69:10</p> <p><b>form</b> 8:20 9:8 10:9 10:14 41:3 47:7 61:19 63:8</p> <p><b>forth</b> 68:7</p> <p><b>found</b> 7:15 26:7</p> <p><b>four</b> 27:9 63:25</p> <p><b>front</b> 12:12 25:5 36:22 58:4 59:9 59:12 60:11</p> <p><b>full</b> 7:3,4 47:5</p> <p><b>further</b> 55:3 67:9 67:12 68:11,15</p> <p><b>g</b></p> <p><b>g</b> 20:12</p> <p><b>garbled</b> 38:2</p> <p><b>general</b> 17:5,11 53:22</p> <p><b>generally</b> 12:14 32:10</p> <p><b>generate</b> 37:21 38:4,10 53:24</p> <p><b>generated</b> 21:24 25:11 40:24 62:17</p> <p><b>generation</b> 22:16 22:22 40:8</p>	<p><b>generator</b> 41:16 41:17 58:10,18</p> <p><b>george</b> 16:11 26:18 27:10 35:18 35:20 65:14</p> <p><b>getting</b> 12:15,17</p> <p><b>give</b> 6:10 7:2 13:18 14:16 65:9</p> <p><b>given</b> 31:18 42:12 54:19 67:16 68:11</p> <p><b>go</b> 4:14 26:2 35:25 36:11 43:9 49:5 49:21 55:17 63:25 67:4</p> <p><b>goes</b> 32:20,22</p> <p><b>going</b> 6:17 10:16 12:5 14:25 25:25 26:23 27:25 28:9 32:19 43:11 45:21 49:4,14 51:8,9 63:17,21</p> <p><b>good</b> 5:14,17 35:20</p> <p><b>grabbed</b> 28:17</p> <p><b>great</b> 55:6</p> <p><b>ground</b> 6:11</p> <p><b>guarantee</b> 30:18 31:8,13,18,25 33:8 33:23 34:3</p> <p><b>guaranteeing</b> 34:9</p> <p><b>guess</b> 13:7 49:9,11 58:22 59:24 60:17</p> <p><b>guys</b> 26:12</p> <p><b>h</b></p> <p><b>h</b> 3:6 5:25,25 65:23</p> <p><b>happen</b> 66:23</p> <p><b>happened</b> 26:8</p> <p><b>happens</b> 20:2 57:12</p>	<p><b>harbor</b> 6:22</p> <p><b>hear</b> 8:21 16:21 17:6 30:22 38:3</p> <p><b>heard</b> 30:24 66:13 66:16</p> <p><b>hearing</b> 65:12</p> <p><b>held</b> 4:24</p> <p><b>help</b> 8:2,3</p> <p><b>hit</b> 26:24</p> <p><b>hold</b> 14:25 26:6 28:21 37:9 58:19</p> <p><b>huge</b> 33:5</p> <p><b>i</b></p> <p><b>idea</b> 49:2 53:23 54:6,9,10</p> <p><b>identification</b> 43:15 49:16,19 51:13</p> <p><b>identified</b> 11:11 57:20 60:20</p> <p><b>identify</b> 5:11 32:16 59:2</p> <p><b>identifying</b> 17:21</p> <p><b>ids</b> 40:5,14 42:2 53:24</p> <p><b>images</b> 66:24</p> <p><b>include</b> 13:24 18:20</p> <p><b>indemnification</b> 32:18</p> <p><b>indemnify</b> 32:2</p> <p><b>indemnity</b> 32:22</p> <p><b>independent</b> 30:8</p> <p><b>individual</b> 31:13 65:17</p> <p><b>information</b> 10:2 13:25 14:7 17:16 17:21 24:21 25:4 25:16 30:10,14 36:4 39:15,25 42:6 44:18,19</p>
--	--	--	--

## [information - lists]

Page 5

45:5,10 46:20,25 47:2,11,16,18,25 51:19 52:6 53:9 54:24 61:16 62:11 63:22 64:21 <b>informed</b> 62:22 64:8 <b>initial</b> 17:11,12 <b>input</b> 30:14 <b>inside</b> 27:3 <b>instruct</b> 8:22 12:5 12:10 33:3 <b>insurance</b> 18:6 <b>integration</b> 18:3,9 19:13 <b>intelligence</b> 1:15 <b>interested</b> 5:10 68:15 <b>interfere</b> 4:11 <b>interference</b> 4:8 <b>international</b> 57:17 <b>introduce</b> 49:5,7 49:14 51:9 <b>involved</b> 15:23 16:5 <b>ip</b> 18:22 19:7 25:6 36:16 38:23 39:7 40:16,20,22 41:2,2 41:5,8,16 50:7,10 56:16,20 57:13,15 57:20,21 59:3,5,17 59:21 60:4,8,9 61:24	<b>joe</b> 30:13 31:5 48:12 <b>jornaya</b> 10:12,13 37:2,8,13,16,19 38:11,14,19,22,24 40:3,5,7,16 41:23 42:2,4,6,8 53:12 53:15,24 54:2,13 60:19 61:5,10 62:2 <b>jornaya's</b> 40:14 <b>joseph</b> 1:5 4:18 5:16 11:7 <b>july</b> 1:12 4:4 69:4 70:5 <b>jump</b> 6:19 <b>justin</b> 21:21 66:16	33:22 34:5 35:15 36:7,13 37:18 39:7,9 41:4,25 42:23 43:2 44:2 45:4,8 46:8 50:11 50:22 52:17 53:14 55:21 56:2,25 57:3 59:20 60:2,6 60:19,21 62:16,17 63:2 64:7,12 65:17 66:4,8,11,18 <b>knowledge</b> 21:9 21:11,18 22:17 34:13 35:24 37:17 42:5 45:14 47:15 48:14 52:10 54:22 54:25 <b>knowledgeable</b> 11:2 <b>known</b> 38:22	19:25 20:4,9 22:16,22 23:11 25:7,10,11 30:16 30:17,19 31:6,23 32:4,13 33:23 34:3,6,9 35:22 36:5,14 37:2 38:8 38:11,14,15,21,22 40:3,5,7,14,16,16 40:24 41:8,13,14 41:17,20,23 42:2 42:10 44:21 46:25 47:5,17 48:2,5,15 48:17 53:12,15,16 53:19,22,24 54:3 54:13,23 58:10,18 58:23 59:22,23,25 60:3,19 61:2,5,10 62:2,5,13 63:3,6 63:11,13,15,24
<b>j</b>	<b>k</b>	<b>l</b>	<b>leads</b> 8:2,7,10,12 9:13,15,16,21,23 9:24 21:24 37:22 38:5,12 43:5 48:12 <b>learn</b> 52:3 <b>learned</b> 15:20 52:5 <b>letter</b> 3:10 48:9 49:7 52:15,23 <b>line</b> 70:11,12,13 70:14,15,16,17,18 70:19,20,21,22,23 70:24 71:3,4,5,6,7 71:8,9,10,11,12,13 71:14,15,16 <b>link</b> 23:14,16,24 55:22 56:3 <b>linked</b> 39:20 40:10 <b>listed</b> 30:19 <b>lists</b> 51:24
<b>j</b> 1:17 20:12 68:21 <b>jangl</b> 20:3,11 <b>jangl's</b> 20:7 <b>jesse</b> 65:19,20 <b>job</b> 7:9	<b>keep</b> 6:15 <b>ken</b> 5:2 <b>kevin</b> 2:14 5:18 55:12 <b>kind</b> 14:21 29:18 32:8 38:2 52:22 <b>king</b> 2:20 5:20,20 8:20 9:2,8 11:14 12:9 14:20 25:22 26:8,12,17,21 27:5 27:9,25 28:16 30:25 32:7 33:17 37:23,25 39:3 44:23 45:7,13 46:4,10 47:6 60:12,15 <b>klein</b> 2:15 <b>know</b> 9:4,7,15,18 12:13,14,19 13:15 14:23 16:12 18:2 18:12,24 19:4,14 21:5,15 22:9,23 29:24 30:12 31:12	<b>l</b> 5:25 20:12 <b>landau</b> 5:22 <b>language</b> 23:18 39:13,23 42:14 62:23 63:3,6,11,12 64:3,5,11,13 67:6 <b>launch</b> 27:2 <b>law</b> 2:3 <b>laws</b> 69:9 <b>lawsuit</b> 9:6 23:6 24:6 42:22 52:14 <b>layman's</b> 7:24 <b>lead</b> 1:14 7:23 10:7,8,10,11,12,13 11:2,6,18,25 12:16 12:17,20 13:13 14:5,10,11,17,17 14:18 15:12,13,24 17:2,8,11,13,18,25 18:23 19:10,20,25	

<b>little</b> 18:3 <b>llc</b> 1:9 2:16 4:20 10:23 11:19 <b>llp</b> 2:15 <b>loading</b> 26:13 <b>log</b> 44:10 <b>long</b> 7:6 15:14 23:3 37:14 55:16 <b>longer</b> 8:10 43:4 <b>look</b> 11:16 19:7 21:18 22:21 23:12 23:21 26:4 27:13 31:24 38:19 42:13 46:21 50:15 52:23 59:13 <b>looked</b> 56:21 63:18 <b>looking</b> 26:16 27:5 28:22 31:6 43:17 47:20 48:25 50:11 <b>looks</b> 46:22,24,24 47:17 59:10 <b>lot</b> 10:21 21:13 47:22 <b>lower</b> 12:19	14:18 15:25 17:8 17:24 20:2 28:13 30:13 31:6,8 35:22 44:20 46:12 46:25 47:17 49:13 52:9 54:16 58:4 64:17 65:13 69:3 70:3 <b>mantha's</b> 11:18 34:12 48:12 53:15 53:16 <b>mark</b> 43:12,12 <b>marked</b> 26:2,5,21 43:15,18,20 44:9 45:22 46:5 49:16 49:19 51:13 <b>marketer</b> 7:25 <b>marketing</b> 7:13 15:10 21:10 30:6 51:2 64:22 66:8 <b>marketplace</b> 7:23 15:13 17:16,19 19:24 20:3,7,8 <b>masking</b> 19:16 <b>massachusetts</b> 1:3 4:23 <b>match</b> 39:8 40:17 41:2 50:23 54:12 59:18,19 <b>matter</b> 1:16 4:18 <b>matthew</b> 24:13,15 27:21 34:12 43:24 44:11 56:12 64:18 65:12 <b>mckew</b> 48:9 <b>mean</b> 7:25 11:9,21 11:24 12:15 15:3 17:10,14 21:13,15 25:9 32:10 41:19 44:9,23 47:20	<b>means</b> 49:2 <b>media</b> 2:16 4:15 7:22 10:23 11:19 20:25 21:8 24:3 31:15 35:11 53:20 67:17 <b>media's</b> 20:7 <b>memory</b> 25:17 <b>mentioned</b> 65:25 <b>message</b> 32:4 <b>messages</b> 30:20 31:10,20 34:16 <b>met</b> 10:5 <b>method</b> 35:13 <b>michael</b> 1:15 2:1 3:1 4:1,16 5:1 6:1 7:1,4 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1,16 68:1 69:1,7,18 70:1,4 71:1,25 <b>microphones</b> 4:5 <b>middle</b> 6:19	<b>middleman</b> 38:7 42:13 <b>mine</b> 26:12,16 <b>minimum</b> 13:12 <b>missed</b> 28:10 <b>model</b> 18:7 <b>moment</b> 65:9 <b>month</b> 45:10,17 <b>months</b> 8:13 15:17 <b>moore</b> 1:17 5:6 6:20 68:21 <b>morning</b> 5:14 <b>move</b> 45:22 57:18 <b>moved</b> 49:10 <b>moynihan</b> 2:15 <b>mullins</b> 2:9 <b>multiple</b> 13:23 60:4,9
<b>m</b>			<b>n</b>
<b>m</b> 5:25,25 <b>ma</b> 2:6,12 <b>machine</b> 68:9 <b>mail</b> 18:21 24:18 24:21 25:12,15,18 27:21 28:2,5,7 34:24 35:7,12 43:23 47:21 48:7 51:22 64:16 66:2 66:7 <b>mails</b> 34:14 44:5,9 <b>making</b> 31:17 <b>man</b> 65:20,21 <b>mantha</b> 1:5 3:11 4:18 5:16 11:7			<b>n</b> 2:2 5:25 20:12 <b>name</b> 7:3,4 16:13 16:16 18:20 20:15 24:14 47:20 48:7 48:7,13 66:18 68:17 69:3 70:3,4 <b>named</b> 24:2 <b>need</b> 44:15 46:7 <b>neither</b> 68:15 <b>nelson</b> 2:9 <b>never</b> 34:17 37:18 <b>new</b> 1:19 2:18 5:3 5:6 45:25 68:5 69:9 <b>nice</b> 10:19 <b>night</b> 45:6 <b>non</b> 1:16 7:25 <b>nope</b> 66:20 <b>notary</b> 1:19 6:3 <b>note</b> 4:5 5:7 44:4 <b>notes</b> 65:8

[notice - position]

Page 7

<b>notice</b> 11:10 <b>notices</b> 11:10 <b>noticing</b> 5:13 <b>notifying</b> 24:7 <b>number</b> 4:23 18:21 49:12 67:17 <b>ny</b> 2:18	58:25,25 59:13,15 61:14,22 63:20 64:15 65:24 <b>once</b> 55:11 <b>open</b> 11:16 28:14 48:8,18 <b>opinion</b> 40:4 <b>opportunity</b> 20:4 40:25 <b>opt</b> 38:23 39:2 50:9,18 52:4,6 56:20 <b>order</b> 19:17 31:19 52:7 <b>organization</b> 30:3 <b>original</b> 35:22 57:25 58:10,17 59:23,24 60:3 62:5 68:12 <b>outcome</b> 5:10 <b>owner</b> 7:16 <b>owns</b> 22:10	41:5,13,14 <b>particularly</b> 6:16 <b>parties</b> 4:13 32:17 33:13 <b>partners</b> 7:18 <b>party</b> 1:16 5:9 68:16 <b>passed</b> 10:9,10 <b>path</b> 21:8 <b>pc</b> 2:3 <b>pdf</b> 3:11 46:13 47:14 49:13 <b>penalty</b> 69:2,8 <b>people</b> 9:25 <b>percent</b> 29:22 <b>perjury</b> 69:2,8 <b>person</b> 10:25 30:19 31:8,18 35:16 <b>personal</b> 17:21 54:22 <b>personally</b> 20:23 55:19 56:8 65:13 <b>pertains</b> 68:12 <b>phone</b> 18:21 34:11 48:7 <b>phones</b> 4:9 <b>pick</b> 4:6 <b>pii</b> 13:24 17:17,20 18:15,19,20,23,25 19:5 <b>ping</b> 12:24 13:19 13:23 14:7 17:14 18:13 19:3,8,9,12 20:16 47:4 <b>pinged</b> 17:15,24 <b>pinging</b> 13:20 <b>place</b> 4:10,13 58:20 68:7 <b>placed</b> 40:8	<b>places</b> 40:21 <b>plaintiff</b> 1:7 4:17 5:16 64:9 <b>plaintiffs</b> 2:4 <b>platform</b> 40:23 <b>platforms</b> 57:13 <b>please</b> 4:5,9 5:7,11 5:12,22 36:20 <b>plural</b> 15:10,12,15 15:19 16:4,9,23 17:9,24 20:2 24:6 24:25 25:3 28:13 28:15,16 30:6 34:2 35:7,14,16,21 35:23 36:11 42:21 43:5 50:25 51:24 52:3 53:5,14,23 54:3,11 55:22 57:22,24 58:3 59:20 63:15 64:22 66:8 <b>plural's</b> 53:12 <b>point</b> 17:10,12 22:15 33:5 35:13 36:4 47:3 53:21 62:7 <b>points</b> 17:13 <b>polansky</b> 2:14 3:4 5:17,18 8:19 9:9 11:8,20 12:8 14:19 16:24 17:4 26:15 30:21 31:11 31:21 32:6,14,22 33:11 34:22 35:2 44:8,22 45:18 52:11,17 53:2 55:6,9,12 56:7 57:10 60:17 65:6 67:9 <b>position</b> 54:15
<b>o</b>	<b>o</b> 16:18 <b>oath</b> 5:8 <b>object</b> 8:20 11:14 12:8,9 32:7,19 39:3 <b>objection</b> 8:19,22 9:8,9 11:8 14:19 14:20 16:24 30:21 30:24 31:11,21 32:6 33:12 34:23 44:22 47:6 57:6 57:18 61:18 62:14 62:24 63:7 <b>obtain</b> 62:22 <b>obviously</b> 60:16 <b>occurred</b> 24:8 <b>october</b> 35:4 <b>offer</b> 14:5,6 <b>offered</b> 53:19 <b>office</b> 2:11 <b>official</b> 43:3 <b>oh</b> 46:13 <b>okay</b> 8:24 9:20 16:7,20 17:20 19:23 21:20 23:25 26:3,11,11 27:14 27:19 28:19,25 29:10,25 33:4 35:15,20 36:2,23 36:24 37:4,9 42:7 45:9 46:3 48:8,10 48:18 49:25 51:11 51:17 55:2 58:15	<b>p</b>	
	<b>p</b> 2:2,2 <b>p.m.</b> 1:12 4:4 67:19 <b>packet</b> 62:13 <b>page</b> 3:2 29:9 38:20 39:20 49:22 58:8,14 59:16 60:14,18,20 70:11 70:12,13,14,15,16 70:17,18,19,20,21 70:22,23,24 71:3,4 71:5,6,7,8,9,10,11 71:12,13,14,15,16 <b>pages</b> 64:2 <b>paid</b> 11:5,6 <b>part</b> 11:9 32:25 <b>particular</b> 18:9 22:18 40:10 41:5		

[possible - recording]

Page 8

<b>possible</b> 27:18 28:8 53:10 60:5 61:7 <b>possibly</b> 14:12 23:2 25:6 55:23 66:3,5 <b>post</b> 2:11 12:24 13:19 14:2,10,13 17:14 19:3,8,9 20:16 <b>posted</b> 13:21 17:18 <b>posting</b> 13:20 <b>potential</b> 9:13 13:20 15:7 <b>potentially</b> 36:9 57:16 <b>practice</b> 13:17 23:20 <b>pretty</b> 35:18 56:14 <b>price</b> 11:24 13:9 14:24 15:2 <b>pricing</b> 12:20 13:2 13:5,7,11 15:7 <b>printout</b> 47:24 <b>prior</b> 68:8 <b>private</b> 4:7 <b>privilege</b> 44:10 <b>probably</b> 15:4 55:23,24 <b>proceedings</b> 68:6 68:8,9,13 <b>produce</b> 29:5 <b>produced</b> 27:20 44:7,17 <b>product</b> 44:10 <b>production</b> 45:3 45:16,19,23 46:2 <b>professional</b> 1:18 <b>programmers</b> 21:2	<b>promise</b> 33:8 <b>provide</b> 9:13 16:25 23:11,23 24:17 30:16 34:2 39:15,18 45:9 47:4 53:8 62:8 <b>provided</b> 8:11 10:6 16:23 17:2,9 18:10,12,16 19:3 19:11,21 22:14,15 22:21 24:9,24 25:3,14 27:24 29:11 30:5,17 31:5,9 39:19,25 44:19 47:10 48:4 48:12 51:2 53:5 54:3,20 55:22 57:21,24,24 59:6 59:11,21 60:7,7,7 60:9,23 61:2,10,16 61:24 62:3,16 63:3,5,14 64:21 65:4 <b>provider</b> 8:7,10 15:12 <b>providers</b> 8:4 <b>providing</b> 9:23,25 <b>public</b> 1:19 6:3 <b>purchase</b> 11:17 14:11 32:21,23 47:5 48:5 <b>purchased</b> 11:22 19:25 63:24 <b>purchaser</b> 23:11 <b>purchases</b> 19:25 20:4 <b>purchasing</b> 11:25 <b>purely</b> 38:7 <b>purported</b> 11:18 <b>purportedly</b> 15:25 19:11	<b>purpose</b> 9:16 41:11 <b>purposes</b> 9:14,19 <b>pursuant</b> 1:16 <b>put</b> 28:12 50:5  <b>q</b> <b>queried</b> 49:23 <b>query</b> 29:15 <b>question</b> 6:17 12:6 13:4 31:4 45:15 60:18 <b>questions</b> 55:4,15 56:19 67:10 <b>quickly</b> 65:8 <b>quite</b> 16:20 <b>quote</b> 49:2 <b>quotewizard</b> 3:11 5:19 8:8,15 9:12 9:17,25 11:3 13:10 20:10 24:11 25:19 27:21,22 30:17,18 31:7,14 32:3,12 36:5 38:23,24,25 39:16 43:25 44:18,20 45:11,18 46:12 48:13 49:13 50:9 50:18 54:17 55:13 56:5,9,20 61:2,4 61:11,17,24 62:3,9 62:22 63:4,16,23 64:9 69:3 70:3 <b>quotewizard.com</b> 1:9 4:20 8:6  <b>r</b> <b>r</b> 2:2 16:18 65:23 65:23 <b>range</b> 15:6 <b>reach</b> 64:15 65:13	<b>reached</b> 64:10,12 64:13 65:11 <b>reaching</b> 66:7 <b>real</b> 65:8 <b>realistic</b> 15:4,5 <b>really</b> 38:3 45:14 52:16 <b>realtime</b> 1:18 42:17 <b>reason</b> 50:4 65:2,5 70:7,11,12,13,14 70:15,16,17,18,19 70:20,21,22,23,24 71:3,4,5,6,7,8,9,10 71:11,12,13,14,15 71:16 <b>recall</b> 22:25 27:17 39:21,24 53:10 55:24 61:6,21,23 62:25 64:6 67:7 <b>recapture</b> 40:12 <b>receive</b> 10:3 30:20 31:9,10,19 54:16 <b>received</b> 17:17 34:10 36:8 45:5 52:6 54:25 64:9 64:22 <b>receiving</b> 19:7 64:6 <b>recognize</b> 29:2 46:16,17,18 48:20 <b>recollection</b> 9:10 25:5 28:3 <b>record</b> 4:3,14 5:12 6:15,21 7:3 33:12 44:4,9,12 52:12 67:20 68:8,11 70:8 <b>recorded</b> 4:16 <b>recording</b> 4:12 40:13
--	--	--	--

[records - snappyautoinsurance]

Page 9

<b>records</b> 29:5 40:8 <b>reference</b> 50:3 51:10 <b>refresh</b> 25:17 26:10,25 28:2 46:8 <b>registered</b> 1:17 <b>regularity</b> 57:12 <b>rejected</b> 14:13 <b>related</b> 5:8 11:7 <b>relationship</b> 8:5 8:17 9:5 15:9 17:15 32:11 37:20 42:21,24 <b>relative</b> 68:16 <b>remember</b> 22:19 22:20 24:14 25:13 28:6 33:18 34:21 <b>rendering</b> 42:9 <b>repeat</b> 31:3 37:25 <b>reporter</b> 1:18,18 5:5 68:5 <b>represent</b> 5:16,19 27:19 37:7 38:21 54:2 55:12 63:21 <b>represents</b> 33:7 <b>request</b> 21:8 41:16 44:6 58:2 <b>requested</b> 23:23 29:5 52:6 68:14 <b>required</b> 61:4 <b>requirement</b> 61:8 <b>requirements</b> 42:2 61:7 <b>respect</b> 64:17 <b>responds</b> 14:5 <b>response</b> 3:8,12 28:10,13,20,22 35:23 37:8,13 38:20,25 43:10,20 44:24 45:2 49:22	51:2,6 53:6,12 54:12 56:22 57:21 58:4 59:6 60:13 60:15 <b>responsive</b> 44:5 <b>restricted</b> 42:25 <b>retained</b> 67:18 <b>review</b> 68:13 <b>revpoint</b> 2:16 3:8 5:21 7:7,12,15,21 7:22 8:6 9:11,22 10:23 11:5,19,22 15:10,13,14,23 16:23 17:9,16 20:7,24 21:23 24:20 28:16,19,21 30:18 31:7,15 35:11 36:4 37:14 37:21 38:4,10 43:9,19 44:20 45:20 47:9 48:11 49:22 53:19 54:15 54:21 56:21 57:21 59:6,21 60:25 61:11,17,23 62:3 63:3,23 <b>revpoint's</b> 17:19 35:23 42:12 60:13 <b>ridge</b> 2:5 <b>right</b> 14:15 23:13 31:16 32:2 38:17 50:14,21 52:20 55:4 56:23 58:21 59:7 61:5,6,24 62:4,9,13 64:17,18 64:23 66:2 <b>riley</b> 2:9 <b>ring</b> 21:16,22 <b>rios</b> 16:11,18 26:18 27:10 35:19 35:20 65:14	<b>role</b> 42:13 <b>rpr</b> 68:22 <b>rules</b> 6:11 <b>run</b> 29:15 47:23  <b>s</b>  <b>s</b> 2:2 3:6 5:25 16:18 65:23 <b>sale</b> 11:17 32:21 32:23 33:2 37:22 38:5 <b>saying</b> 58:13 <b>says</b> 26:7 48:9 54:2 58:9 <b>scarborough</b> 2:9 <b>schreiber</b> 65:19,22 <b>screen</b> 39:22 <b>screenshot</b> 62:17 <b>screenshots</b> 66:24 <b>scroll</b> 29:8 51:15 <b>seal</b> 24:2 <b>search</b> 25:12 29:25 <b>second</b> 46:4 <b>seconds</b> 20:8 <b>sections</b> 58:17 <b>see</b> 6:23 11:12,24 17:25 26:17 27:8 27:9 28:20 32:15 39:6,13 45:25 46:11 53:4,11 58:11,16 59:2 64:2,4 <b>seeing</b> 27:17 <b>seen</b> 27:15 42:8 45:7 51:5,18 <b>sell</b> 13:13 20:5 38:8 <b>selling</b> 31:17 33:7 38:12,16 <b>send</b> 24:20,23	<b>sending</b> 32:3 <b>sensitive</b> 4:6 <b>sent</b> 13:23 14:2,7 14:10 20:10 24:24 25:19 28:7 53:19 55:25 56:4,8,13,16 58:2 63:15,16 <b>sentence</b> 47:23 <b>separate</b> 48:12 <b>separately</b> 39:18 <b>september</b> 35:4 <b>served</b> 29:4 <b>servers</b> 40:22 <b>service</b> 8:4 10:15 <b>set</b> 10:17 12:21 13:12,16 68:7 <b>seventh</b> 2:17 <b>share</b> 10:17 <b>sheet</b> 30:5 50:5,8 56:20 70:2 71:2 <b>shooting</b> 66:7 <b>shorthand</b> 68:5,9 <b>shot</b> 39:22 <b>show</b> 10:16 25:23 25:25 27:25 28:9 51:8 <b>signature</b> 68:20 <b>similarly</b> 1:5 <b>simply</b> 4:19 <b>site</b> 22:8,14 <b>sitting</b> 6:23 <b>situated</b> 1:6 4:19 <b>ski</b> 61:3 <b>skipping</b> 47:8 <b>sky</b> 21:15 <b>skype</b> 35:13 66:2,7 <b>snappy</b> 66:14 <b>snappyautoinsur...</b> 55:20 62:8 66:22 67:4
--	---	--	---



[snappyautoinsurance.com - titled]

Page 10

<b>snappyautoinsur...</b> 21:25 27:23 50:3 52:2 54:8 56:9 <b>software</b> 7:22 20:18,21,24 <b>sold</b> 9:21 10:2 11:2 11:22 36:5 44:20 <b>solutions</b> 15:10 30:6 51:2 <b>somebody</b> 10:20 30:2 38:8 <b>soon</b> 15:20 <b>sorry</b> 9:3 17:7 26:12 27:13 30:22 30:23,25 31:3 34:19 36:20,21 37:25 39:5 43:17 47:6 58:12 60:12 <b>sort</b> 47:23 52:15 62:12 <b>sounds</b> 21:12 <b>source</b> 35:22 45:5 51:19,25 58:10,17 <b>sources</b> 10:5 <b>space</b> 57:12 <b>speak</b> 39:3 <b>speaks</b> 33:14 <b>specific</b> 19:15 32:13 <b>specifically</b> 18:2,6 25:13 33:19 64:13 <b>specifics</b> 19:20 <b>speculate</b> 14:24 18:9 39:11 57:4 66:12 <b>speculating</b> 16:15 <b>spell</b> 16:12 65:22 <b>spelling</b> 16:16 <b>spreadsheet</b> 48:19 48:21 49:8	<b>sql</b> 29:20,24 <b>square</b> 2:11 <b>stamp</b> 25:6 <b>stand</b> 12:7 <b>standard</b> 13:17 23:19 <b>standardized</b> 19:16 <b>start</b> 5:12 <b>started</b> 7:12 <b>starts</b> 37:2 51:16 <b>state</b> 1:19 6:9 7:2 33:12 68:5 69:9 <b>states</b> 1:2 <b>step</b> 47:8 <b>stephen</b> 1:17 5:5 68:21 <b>stop</b> 15:18 <b>street</b> 2:5 <b>strike</b> 43:8 51:20 56:7 57:19 60:24 62:20 <b>subject</b> 71:17 <b>subpoena</b> 1:17 3:8 3:12 28:10,14,19 28:21 29:5 37:7 37:12 38:20,24 43:10,19 44:6,24 45:2 49:22 51:3,5 53:6,13 54:11 58:4 59:7 60:15 <b>subscribed</b> 68:17 <b>subsequent</b> 58:2 <b>supplemental</b> 45:3 45:16,19,23 46:2 <b>supplied</b> 31:15 34:7 <b>supplying</b> 31:14 57:14 <b>supposed</b> 28:13 41:23 53:16	<b>supposedly</b> 54:23 <b>sure</b> 8:12 11:20 13:3 16:20 19:2 19:19 25:21 29:22 29:24 31:5 33:11 34:9 35:12,18 50:12 55:18,24 56:14,17 65:10 <b>surveys</b> 66:14 <b>swear</b> 5:22 <b>sworn</b> 6:2 68:8 <b>system</b> 12:22 17:24,25 47:4 48:2 <b>systems</b> 57:15 <b>t</b> <b>t</b> 3:6 <b>take</b> 4:13 6:21 11:15 12:16 23:12 23:20 38:8 54:15 55:16 59:13 66:23 <b>taken</b> 4:17 68:7 <b>takes</b> 20:6,8 <b>talk</b> 26:23 32:10 53:18 <b>talked</b> 32:9 <b>talking</b> 14:17 18:5 45:13 48:16 52:13 <b>task</b> 42:19 <b>tcpa</b> 10:3 23:17 31:9,18,23 34:3 39:13 42:13 58:18 65:2 67:5 <b>team</b> 30:2 65:15 65:16 <b>technique</b> 25:7,9 <b>technology</b> 10:4 10:20 20:16,17 <b>ted</b> 17:6 27:6 37:23 44:8 52:15	<b>teleconference</b> 4:25 <b>telemarketing</b> 9:14,19 54:17 <b>tell</b> 64:2 <b>ten</b> 15:16 <b>tense</b> 8:9 <b>term</b> 64:7 <b>terminate</b> 42:20 <b>terminated</b> 42:24 <b>termination</b> 43:3 <b>terms</b> 7:24 32:13 <b>testified</b> 6:4 56:22 <b>testify</b> 10:22 <b>testifying</b> 68:8 <b>testimony</b> 67:16 68:11 <b>text</b> 10:6 30:20 31:10,19,23 32:3 34:16 54:17 <b>texted</b> 34:18 <b>texts</b> 10:3 <b>thank</b> 35:2 43:22 46:6 55:5 67:11 <b>thanks</b> 53:2 55:2 67:14 <b>thing</b> 32:8 <b>things</b> 10:19 27:9 55:17 <b>think</b> 12:3 14:20 15:16 24:13 25:22 28:4 35:10 44:4 47:8 58:19 59:16 60:4 65:25 66:17 <b>time</b> 4:3 23:3 25:6 44:11 53:16 59:25 62:7 66:25 67:11 67:19 68:7 <b>title</b> 7:9 <b>titled</b> 46:11
--	--	--	---

[today - zoom]

Page 11

<b>today</b> 10:23 38:20 <b>today's</b> 67:16 <b>top</b> 58:9 <b>topic</b> 12:4 <b>topics</b> 11:12 32:15 <b>total</b> 67:17 <b>touch</b> 33:19 <b>transaction</b> 20:6 <b>transcribed</b> 68:10 <b>transcript</b> 68:10 68:12,13 71:18,21 <b>transcription</b> 70:10 <b>transmission</b> 54:7 <b>transmitted</b> 25:16 <b>true</b> 68:11 69:10 71:19,22 <b>trusted</b> 10:9,14 <b>try</b> 6:18 19:17 43:12 <b>trying</b> 6:21 15:2 24:13 33:6 <b>tuesday</b> 4:4 <b>turco</b> 2:15 <b>turn</b> 4:9 63:17 <b>turning</b> 61:13 64:25 <b>two</b> 48:12 50:10 58:17 59:8 66:6 <b>type</b> 47:24 63:12	42:3 54:18 62:15 63:10 <b>unit</b> 4:15 <b>united</b> 1:2 <b>unitedquotes.com</b> 22:6,10,13,24 66:10 <b>unitedquotes.com.</b> 54:5 <b>units</b> 67:17 <b>universal</b> 38:21 <b>universe</b> 15:2 <b>upwards</b> 20:8 <b>url</b> 19:10 25:6 27:23 36:9 39:19 39:20 56:4,8 62:8 <b>urls</b> 19:15 <b>use</b> 41:10 <b>user</b> 40:9,12,13 41:2,5,16 42:9 48:5 57:15 <b>users</b> 42:4 <b>utilize</b> 41:7 <b>utilized</b> 40:11 <b>utilizing</b> 40:23	<b>vet</b> 22:15 23:9,15 <b>vetted</b> 22:24 <b>video</b> 4:12,15 <b>videographer</b> 4:2 5:4 <b>videotaped</b> 1:14 <b>viewer</b> 40:12 <b>violation</b> 32:5 <b>virtual</b> 1:14 <b>visited</b> 30:13 41:5	<b>williamson</b> 5:2 <b>willing</b> 13:13 <b>winchester</b> 2:6 <b>witness</b> 5:21,23 6:2 8:24 25:24 26:19,24 27:8 30:23 45:8 65:10 67:15 68:17 70:4 <b>witnesses</b> 68:7 <b>woman</b> 65:20 <b>word</b> 8:21 21:14 58:16 <b>work</b> 15:14 16:9 21:3 40:5 44:10 <b>worked</b> 7:6 <b>working</b> 9:12 10:20 15:18 66:23 <b>works</b> 40:3 <b>worries</b> 26:14 <b>write</b> 36:17,18,22 <b>written</b> 50:16 59:10 <b>wrong</b> 27:11 28:18 58:20 <b>wrote</b> 50:17
		<b>w</b>	
		<b>wait</b> 26:6 <b>want</b> 14:23 16:18 33:3 37:5 45:4 55:17 <b>way</b> 14:12 30:8,12 30:15 31:24 40:10 61:20 <b>web</b> 39:20 <b>website</b> 15:24 16:5 19:10,15 21:25 22:4,16,18,20,22 22:24 23:9,12,14 27:23 30:13 40:8 40:9,24 41:20 42:14,17 54:4,23 55:20 66:9,14,22 66:24 67:4,5,6,8 <b>websites</b> 23:18 <b>week's</b> 44:12 <b>weeks</b> 24:15,23 27:22 34:12,25 39:16 43:24 56:12 64:8,18 65:4,12 <b>weiss</b> 24:14 <b>went</b> 55:19 66:21 67:3,8 <b>whereof</b> 68:17 <b>whispering</b> 4:6 <b>wide</b> 15:6	
		<b>v</b>	
		<b>v</b> 1:8 69:3 70:3 <b>valid</b> 34:3 52:24 <b>validate</b> 41:12 <b>value</b> 11:23 <b>vehicle</b> 18:7 <b>verification</b> 25:8 64:14,16 <b>verifies</b> 10:4 <b>verify</b> 10:8 52:7 65:12 <b>verifying</b> 57:15 <b>veritext</b> 5:3,6 67:18 <b>versus</b> 4:20	
		<b>u</b>	
		<b>u.s.</b> 4:21 <b>ultimately</b> 7:14 <b>uncommon</b> 61:8 <b>undersigned</b> 68:5 <b>understand</b> 11:21 13:3 45:15 <b>understanding</b> 13:10 16:4,6,22 31:22 36:7,10 40:2,4,14,15,18,19	
		<b>x</b>	
		<b>x</b> 1:4,11 3:6 68:13	
		<b>y</b>	
		<b>yeah</b> 25:24 26:24 31:12 32:14 39:6 <b>year</b> 23:2,2 35:5 <b>years</b> 7:8 <b>york</b> 1:19 2:18 5:6 68:6 69:9	
		<b>z</b>	
		<b>zip</b> 18:7 <b>zoom</b> 6:16	